

VI. LAND DEVELOPMENT REGULATIONS**General Provisions**

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CHAPTER 01

GENERAL PROVISIONS–INTRODUCTORY PROVISIONS

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- 01.020 Authority for Regulations.**
- 01.030 Application and Scope.**
- 01.040 Interpretation.**
- 01.050 Restrictions.**
- 01.060 Land Use Designations.**

01.010 Purpose and Intent.

A. The purpose of the Mono County Land Development Regulations is to regulate development as allowed by Government Code 65850, including the following:

1. The use of buildings, structures, and land as between industry, business, residences, and open space uses.
2. Signs and billboards.
3. The location, height, bulk, number of stories, and size of buildings and structures.
4. The size and use of lots, yards, and other open spaces.
5. The percentage of a lot which may be occupied by impervious surfaces.
6. The intensity of land use.
7. Requirements for off-street parking and loading.
8. Establishment and maintenance of setback lines.

B. These regulations are deemed necessary in order to implement the County's General Plan as summarized in the following objective:

Accommodate future growth in a manner that preserves and protects the area's scenic, agricultural, natural and recreational resources and that is consistent with the capacities of public facilities and services.

01.020 Authority for Regulations.

The Mono County Land Development Regulations are adopted pursuant the State Planning and Zoning Law, Division 1 of Title 7 of the California Government Code (commencing with Section 65000), and other applicable state and federal laws.

01.030 Application and Scope.

Except where preempted by applicable state or federal laws, these regulations (along with other applicable provisions of this General Plan, including but not limited to the Land Use Maps incorporated herein) shall apply to all land in the unincorporated area of the county. Such land may only be developed or otherwise used in a manner consistent and compliant with these regulations and any other applicable provisions of this General Plan.

01.040 Interpretation.

Unless otherwise provided, any ambiguity concerning the content or application of the Land Development Regulations shall be resolved by the Planning Commission (see Section 3.030, Interpretation of "Similar Uses") or, on appeal therefrom, by the Board of Supervisors.

01.050 Restrictions.

The Land Development Regulations are not intended to interfere with, abrogate, or annul any easement, covenant or other agreement between parties. Where the Land Development Regulations impose a greater restriction upon the use of buildings or land than is imposed or required by other ordinances, rules, regulations or by easements, covenants or agreements, the provisions of the Land Development Regulations shall control. Unless otherwise specified, the County of Mono is not responsible for enforcing CC&Rs.

01.060 Land Use Designations.

For purposes related to the orderly development of the county and in order to carry out the provisions of this General Plan, each and every parcel of land in the unincorporated area of the county has been duly assigned a land use designation, as depicted in the Land Use Maps contained in Section VII of this Land Use Element. (See also "Land Use Designations" in Section IV of this Land Use Element.) A "land use designation" is a general category or class of land use activity (e.g., "residential," "commercial," or "industrial") that is permitted to occur on those specific parcels of land in the county that have been duly assigned that particular land use designation by the County pursuant to this Land Use Element. (See definition of "Land Use Designation" set forth in Section 02.705 of these Land Development Regulations.) Except as otherwise expressly provided by these Land Development Regulations, no land may be developed or used except in the manner permitted by its assigned designation, to wit:

- A. No building shall be erected and no existing building shall be moved, altered, added to or enlarged, nor shall any land, building or premises be used, designated or intended to be used for any purpose, or in any manner other than that which is included among the uses listed as permitted by the particular land use designation assigned by the County to the parcel of land on which such building or premises is located.
- B. No building shall be erected, reconstructed or structurally altered to exceed in height the limit allowed by these regulations for the particular land use designation assigned by the County to the parcel of land on which such building is located, except as provided in Section 04.110 of these Land Development Regulations.
- C. No building shall be erected nor shall any existing building be altered, enlarged or rebuilt, nor shall any yard or open space be encroached upon or reduced in any manner, except in conformance with the yard, building site area and building location regulations applicable to the particular land use designation assigned by the County to the parcel of land on which such building, yard, or open space is located, except as provided in Chapter 4 of these Land Development Regulations.
- D. No yard or other open space provided about any building for the purpose of complying with provisions of these regulations and this General Plan shall be considered as providing a yard or open space for any other building, and no yard or other open space on one building site shall be considered as providing a yard or open space for any building on any other site.

CHAPTER 02**GENERAL PROVISIONS-DEFINITIONS****Sections:**

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02.010 Context and General terminology.

The terms and definitions contained in this chapter shall be used to assist in interpreting the provisions of the Land Development Regulations only.

When not inconsistent with the context, words used in the present tense include the future; words in the singular number include the plural, those in the plural number include the singular; "or" includes "and," and "and" includes "or."

- A. "Commission" means the Planning Commission of Mono County.
- B. "County boundary" means the boundary of Mono County.
- C. "Department" means the Department of Planning.
- D. "Director" means the Director of Planning or Director of Energy Management in the case of energy-related use permits.
- E. "Federal" means the government of the United States of America.

- F. "Used" includes "arranged for, designed for, occupied or intended to be occupied for."

02.020 Abutting.

"Abutting" means having a common border.

02.030 Accessory Building or Use.

"Accessory building or use" means a subordinate building or use incidental to that of the main building or main use on the same lot.

02.040 Acreage.

- (a) Acreage, gross. "Gross acreage" means the total lot or parcel area as determined through calculations based on the recorded legal description for the subject property.
- (b) Acreage, net. "Net acreage" means the total lot or parcel area remaining after existing and/or proposed right-of-ways have been excluded.

02.050 Adjacent.

"Adjacent" means near, close or abutting; for example, a retail business district across the street or highway from a residential district shall be considered as "adjacent."

02.060 Agriculture.

"Agriculture" means the art or science of cultivating the ground, including the harvesting of crops and rearing and management of livestock; tillage; husbandry; farming; horticulture; and forestry; the science and art of the production of plants and animals useful to man.

02.070 Airport.

"Airport" means any area which is used for the taking off and landing of aircraft, including helicopters, and any appurtenant areas which are used or are intended to be used for airport buildings or facilities, including open spaces, taxiways and "tie-down" areas.

02.080 Alley.

"Alley" means a passage or way open to public travel, affording a secondary means of vehicular access to abutting lots and not intended for general traffic circulation.

02.090 Alquist-Priolo Earthquake Fault Land Use Designations and Land Development Regulations Act.

"Alquist-Priolo Earthquake Fault Land Use Designations and Land Development Regulations Act": Also known as the Alquist-Priolo Earthquake Fault Zones as of January 1994, its purpose is to provide for public safety in hazardous fault zones. The Act requires the delineation of potential damage areas, called "Special Studies Zones," along known active faults throughout California. It requires local governments to withhold approval of construction permits in those zones until geologic investigation has determined that the site is not threatened by surface displacement from future faulting.

02.100 Animal enclosure.

"Animal Enclosure" means a detached accessory building, or portion of a building used to shelter and feed pets readily classifiable as being incidental to residential uses. This term precludes stables, corrals, barns, which are used for farm/ranch animals.

02.110 Animal hospital, large.

"Large animal hospital" means any premises used for the treatment, care, boarding, and grooming of large or small animals, and not conducted wholly within a building.

02.120 Animal hospital, small.

"Small animal hospital" means any premises used for the treatment, care, boarding, and grooming of dogs, cats and similar size animals, with all operations being conducted wholly within a building unless otherwise specified in the use permit.

02.130 Apartment.

"Apartment" means a room or suite of two or more rooms which is designated for, intended for or occupied by one family doing its cooking therein.

02.140 Automobile wrecking yard.

"Automobile wrecking yard" means the same as junkyard.

02.150 Bed and Breakfast.

"Bed-and-Breakfast Establishment" means a transient dwelling other than a hotel or dorm where lodging and meals are provided for compensation. Density and parking requirements for hotels shall be applied to bed-and-breakfast establishments, in MFR or Commercial Districts. Upon general plan consistency review, bed-and-breakfast establishments may be found appropriate in the agricultural district. Further, no meal service may be provided other than for guests staying on the premises.

02.160 Block.

"Block" means that property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets or nearest intersecting or intercepting streets, unsubdivided acreage, watercourse or body of water.

02.170 Buffer.

"Buffer" means a strip of land established to separate incompatible or different land uses. Normally a buffer area is landscaped and retained as open space. The term may be used more broadly to describe any area that separates two unlike land uses, such as multiple-family housing between single-family housing and commercial uses.

02.180 Building.

"Building" means any structure built for the support, shelter or enclosure of any person, animal, or for storage.

02.190 Building, accessory.

"Accessory building" means a subordinate building, the use of which is incidental to that of a main building on the same building site.

02.200 Building, main.

"Main building" means a building in which is conducted the principal use of the building site upon which it is located. In any residential district, any dwelling shall be deemed to be a main building on the building site upon which it is located.

02.210 Building site.

"Building site" means a parcel of land occupied or intended to be occupied by one building or group of buildings and uses customarily accessory and incidental thereto, including such open spaces as are provided or are intended to be used in connection

therewith or are required by the regulations for the district wherein such parcel is located.

02.220 Business.

"Business" means the retail or wholesale sale, provision of service, or handling of any article, substance or commodity for profit or livelihood, but not including the handling of lumber or other building materials or the open storage or sale of any material or commodity, nor the processing or manufacturing of any product or substance.

02.230 Campground.

"Campground" means land which is used or intended for use, or to be let or rented for occupancy by campers on a temporary basis without provisions for electrical or sanitary hookups at individual campsites.

02.240 Carport.

"Carport" means an accessible and usable covered space of not less than the required dimensions for a parking space for the storage of automobiles. Carports shall be located to meet the setback and building height requirements of the land use designations and, land development regulations. A turning radius of at least twenty-five feet shall be provided for any carport which does not face directly on a street.

02.250 Cattle feed yard.

"Cattle feed yard" means any premises on which cattle are held or maintained for the purpose of feeding and fattening for market and where sixty percent or more of the feed for such cattle is imported or purchased.

02.260 Cemetery.

"Cemetery" means land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematoriums, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

02.270 Club.

"Club" means an association of persons (whether incorporated or not) religious or otherwise, for a common purpose, but not including groups which are organized primarily to render a service carried on as a business for profit.

02.280 Combining district.

Combining districts are intended to provide an additional mechanism that can more precisely portray unique constraints or opportunities and may be applied to the underlying base designation (e.g., SFR, ER, AG, etc.). To establish a combining district the procedures outlined Chapter 48, Amendments, shall be followed.

02.290 Cluster development.

"Cluster development" means the concentration of detached single-family residences onto smaller lots than ordinarily permitted by the base designation (e.g., ER, SFR, etc.), or onto commonly owned lots, while not exceeding the permitted density for the total acreage being considered. This permits optimum use of the land; i.e., responding to site constraints by clustering away from the area of sensitivity, yet not decreasing the allowable density.

02.300 Conversion of existing residential facilities to other uses.

"Conversion of existing residential facilities to other uses" means multifamily developments or apartments and mobile-home parks which are converted to another use, including the conversion to no use or cessation of use as residential facilities.

02.310 (a) Condominium, commercial.

"Commercial condominium" is an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a building used for commercial purposes such as offices and stores.

02.310 (b) Condominium, industrial.

"Industrial condominium" is an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a building used for industrial purposes such as manufacture, and assembly.

02.310 (c) Condominium, residential.

"Residential condominium" is an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a building used as a residence.

02.310 (d) Condominium, hotel.

"Condominium-hotel" means an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a building used for vacation residence. A "condo-hotel" may or may not contain cooking facilities. Further, all development requirements part of a residential condominium shall be requirements of a condo-hotel. (Exception: If this is for financing purposes as specified in a Development Agreement or other agreed upon mechanism for a "hotel," these requirements shall not apply).

02.320 Contiguous.

"Contiguous" means in actual close contact; touching; bounded or traversed by. Property shall be considered as contiguous units, even if it is separated by roads, streets or easements.

02.330 Consistency.

"Consistency" means a review to ensure that all plans and actions conform to guidelines of this General Plan and Area General Plans.

02.340 Country Club.

"Country Club" means the land area and buildings containing recreational facilities, clubhouse, and usual accessory uses, open only to members and their guests for a membership fee.

02.350 Court.

"Court" means open, unoccupied space, other than a yard, on the same lot with a building or group of buildings and which is bounded on two or more sides by such buildings or structures.

02.360 Density.

"Density" means the ratio of dwelling units to net acreage.

02.370 Design.

"Design" means (1) street alignments, grades and widths; (2) drainage and sanitary facilities and utilities, including alignments and grades thereof; (3) location and size of all required easements and rights-of-way; (4) fire roads and firebreaks; (5) lot size and configuration; (6) traffic access; (7) grading; (8) land to be dedicated for park or

recreational purposes; and (9) such other specific physical requirements in the plan and configuration of a project as may be necessary to ensure consistency with or implementation of the General Plan, or any applicable specific plan.

02.375 Designation

"Designation" means "Land Use Designation" (defined below).

02.380 Design Review Committee (DRC).

"Design Review Committee (DRC)" means a person or persons appointed by the Board of Supervisors to review all applications for commercial structures, multifamily development, and signs within a defined design review district.

02.390 Development Agreement.

"Development Agreement" means a contract or agreement whereby the County is authorized to enter into an agreement with developers that set forth the rules that will govern a development as it proceeds through the approval process. A development agreement must specify the time during which the County agrees not to change its regulations, and may also include any other terms and conditions including time schedules for development or additional public services and facilities to be provided by the developer.

02.400 Deviation.

"Deviation" means authorized variances from required distances, setbacks, areas or physical improvements.

02.410 District area.

"District area" means all land area within a specific land use designation. For instance, the SFR district area in a specific community may contain 50 acres. Acreage for any district area is calculated based on all contiguous property in a single land use designation.

02.420 Dorm.

"Dorm" means a transient lodging other than a hotel/motel or bed-and-breakfast. A dorm usually contains common sleeping, bathroom and kitchen facilities.

02.430 Duplex.

"Duplex" means a building designed or used exclusively for the occupancy of two families living independently of each other and having separate kitchen and toilet facilities for each family.

02.440 Dwelling.

"Dwelling" means a structure or portion thereof designed and used exclusively for residential occupancy and permitted home occupations, but not including hotels, motels, dorms, travel trailers or tents.

02.450 Dwelling, multiple family.

"Multiple family dwelling" means a building designed or used for occupancy by three or more families, all living independently of each other and having separate kitchen and toilet facilities for each family.

02.460 Dwelling, one family.

"One family dwelling" means a detached building designed or used exclusively for the occupancy of one family and having kitchen and toilet facilities for only one family.

02.470 Environmental Impact.

"Environmental Impact" means projected long or short-term effects (adverse or beneficial) which a development project or plan may have on the natural and built environment if the project is carried out.

02.480 Factory built housing.

"Factory built housing" means a residential building, dwelling unit, individual dwelling room, or combination thereof, manufactured in such a manner that all concealed or parts of manufacture cannot be inspected before installation at the building site without disassembly, damage, or destruction of the part, which is either wholly manufactured or is in substantial part manufactured at an off-site location to be wholly or partially assembled on-site in accordance with building standards published in the State Building Standard Code. Modular housing is now synonymous (i.e., has the same meaning as) with factory built housing per the State of California definition.

02.490 Family.

"Family" means a person or persons living together as a single housekeeping unit in a dwelling unit.

02.500 Farm labor quarters.

"Farm labor quarters" means rooming or boarding houses, bunkhouses, trailers, mobile homes or mess halls for any number of farm laborers customarily employed principally on land owned or leased by the person or persons engaged in the agricultural enterprise, and located on the premises. Farm labor quarters also means farm labor housing where two or fewer families are provided living quarters or housing accommodations.

02.510 Findings.

"Findings" mean a set of conclusions which are required before specified permits, deviations, ordinance changes or other entitlements may be granted.

02.520 Floor area ratio.

"Floor area ratio" means the ratio of gross (e.g., including halls, restrooms, storage areas) floor area to total lot area expressed as a fraction.

02.530 Garage, private.

"Private garage" means a detached accessory building or a portion of the main building on the same lot as a dwelling for the storage of vehicles of occupants of the dwelling. A turning radius of not less than twenty-five feet shall be provided for any garage which does not face directly upon a street.

02.540 Garage, public.

"Public garage" means any premises, except those defined in this chapter as a private garage, used for the storage and/or repair of motor vehicles, or where any such vehicles are equipped for operation or repair (i.e., tow trucks), or kept for remuneration, hire or sale.

02.550 Golf course.

"Golf course" means a golf course with a minimum of nine holes, none of which shall be less than a three par.

02.560 Guesthouse.

"Guesthouse" means an accessory use to a residence that may contain living and sleeping spaces, including bathrooms, but shall not contain facilities for the cooking of food. A guesthouse shall not be used as a dwelling unit for rental whether compensation is direct or indirect. A guesthouse cannot be located within any required setback area. On parcels of less than one (1) gross acre, guesthouses may not exceed 640 square feet and will be subject to Director Review and approval. As a condition of approval, the owner shall record a "Declaration of Restriction" limiting the use of the unit to be that of a bona fide guesthouse. Said covenant shall include an accurate site plan showing all improvements and clearly indicate the guesthouse.

02.570 Grade, natural.

"Natural grade" means the incline of the surface of earth along a continuous slope before its alteration by the works of man (including any interim grading, whether authorized or not).

02.580 Height of building.

"Height of building" means the vertical distance from the average level of the highest and lowest point of that portion of the building site covered by the building to the topmost point of the building, but excluding certain features as specified in Section 04.110 as set forth in subsection A and B of that section. All height shall be calculated from the natural or finished grade, whichever is more restrictive.

02.590 Home occupation.

"Home occupation" means any use which can be carried on within a dwelling by the inhabitants thereof and which is clearly incidental and secondary to the residential use of the dwelling, and which:

- A. Is confined completely within the dwelling and occupies not more than twenty-five percent of the gross floor area of one floor thereof;
- B. Involves no sales of merchandise other than that produced on the premises or merchandise directly related to and incidental to the occupation; as long as no other violation of any other subsection occurs;
- C. Is carried on by members of the family occupying the dwelling, with no other persons employed;
- D. Produces no evidence of its existence in the external appearance of the dwelling or premises, or in the creating of noise, odors, smoke or other nuisances to a greater degree than that normal for the neighborhood (i.e., no delivery trucks);
- E. Does not generate pedestrian or vehicular traffic beyond that normal in the neighborhood in which located;
- F. Requires no structural, electrical or plumbing alterations in the dwelling;
- G. Involves no equipment other than that customarily used in dwellings;
- H. Involves no outdoor storage or advertising.

02.600 Housing, dependent.

See Section 02.610, Housing, Secondary, and also Chapter 16, Development Standards– Secondary Housing.

02.610 Housing, secondary.

"Housing, secondary" (also called "Dependent" or "Granny" Housing) means residential occupancy of a living unit located on the same parcel as the principal unit. It provides complete, independent living facilities for one or more persons. It including permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel that the primary unit is situated. It can be either attached to or detached from the existing

residential unit, dependent on the lot or parcel size (see 16, Development Standards–Secondary Housing).

02.620 Hotel.

"Hotel" means any building or portion thereof containing six or more rental guest rooms that are used, designed for or intended for use, by six or more guests which pay the compensation or rent either directly or indirectly.

02.630 Hotel, resort.

"Resort hotel" means a hotel and accessory recreational components, as well as service uses designed primarily for the convenience of guests.

02.640 Industrial park.

"Industrial park" means a single parcel of land designated to provide for a combination of light and moderate industrial uses which do not in their maintenance, assembly, manufacture, or plant operation create smoke, gas, odor, dust, sound, vibration, soot or lighting to a degree which might be obnoxious or offensive to persons conducting a business in this or any adjacent district. Where applicable, the provisions outlined in Nuisances and Hazards, Section 04.250, shall apply.

02.650 Infrastructure.

"Infrastructure" means the basic utilities and services necessary to support development; e.g., sewer, water, and roads.

02.660 Joint-use parking.

"Joint-use parking" means the common use of (a) parking space(s) among businesses on the same lot whose operating hours do not overlap.

02.670 Junkyard.

"Junkyard" means the use of more than 200 square feet of the area of any parcel, lot or contiguous lots for the storage of junk, including scrap metals or other scrap materials and for the dismantling, wrecking or storage of used automobile or vehicles or machinery or parts thereof.

02.680 Kennel.

- A. Kennel, private. "Private kennel" means any property where dogs and cats over the age of four months are kept in accordance with the requirements of Section 04.270 for the use and enjoyment of the occupant for noncommercial purposes.
- B. Kennel, boarding or commercial. "Boarding or commercial kennel" means any facility other than a private kennel, including, but not limited to, a facility for the keeping, boarding, breeding, training and maintaining of more than four dogs of four months of age or older, whether for a fee or not, or for sale.

02.690 Kitchen.

"Kitchen" means any room, all or part of which is designed or used for cooking and the preparation of food.

02.700 Land Development Technical Advisory Committee.

"Land Development Technical Advisory Committee" means a technical committee consisting of the Director of Public Works, the Planning Director and the Health Officer, and any other affected county departments, or their designated representatives. This body shall act in a technical capacity to the Commission. This body reviews and makes

recommendations on all subdivisions, land divisions, use permits, general plan amendments, land use redesignations and, if necessary, pre-applications.

02.705 Land Use Designation.

"Land Use Designation" is a general category or class of land use activity (e.g., "residential," "commercial," or "industrial") that is permitted to occur on specific parcels of land in the unincorporated area of the county that have been duly assigned that designation by the County pursuant to this Land Use Element of the General Plan. Land use designations are generally described in Section IV of this Land Use Element and their specific assignments to individual parcels of land in the unincorporated area of the county are depicted in the Land Use Maps set forth in Section VII of this Land Use Element. Because assigned land use designations essentially create regulatory boundaries or areas within which certain permitted uses may occur, parcels of land are sometimes described under these Land Development Regulations as being located within their assigned land use designations. Except as otherwise expressly provided by these Land Development Regulations, no land may be developed or used except in the manner permitted by its assigned designation. (See Section 01.060 of these Land Development Regulations.)

02.710 Landscaping.

"Landscaping" means the use of plant and natural materials, paving materials or structural materials in order to amend and enhance the exterior environment on any parcel, public right-of-way and easement or to reestablish or reinforce the existing natural environment.

02.720 Lot.

"Lot" means land occupied or to be occupied by a use, building or a unit group of buildings and uses and accessory buildings and uses, together with such yards, open spaces and lot width and area as are required, and having frontage upon a street; or an area or parcel shown on and created by a final or parcel map recorded with the County Recorder.

02.730 Lot Coverage.

"Lot Coverage" means the percentage of a lot encumbered by structures and areas devoted to vehicular traffic or parking. Specified requirements may be modified for substandard lots.

02.740 Lot, double frontage.

"Double-frontage lot" or through lot means a lot other than a corner lot which has frontage on two (2) parallel or approximately parallel streets. Required front yards shall be measured from both street frontages.

02.750 Lot Depth.

"Lot depth" means the average horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

02.760 Lot Width.

"Lot width" means the distance measured at the building setback line (BSL) along a line or arc which is parallel or concentric to the right-of-way.

02.770 Manufactured housing.

"Manufactured housing" means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width, or 40 body feet or

more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein. Manufactured housing is defined to include mobile homes and factory-built housing.

02.780 Manufactured housing subdivision.

"Manufactured housing subdivision" means any area or tract of land where two or more lots are created in accordance with applicable provisions of Title 17 of the Mono County Code for the exclusive use of manufactured housing units which are defined to include mobile homes and factory-built housing.

02.790 Mobile Home.

"Mobile home" means a structure transportable in one or more sections, designed and equipped to contain not more than two dwelling units to be used with or without a foundation system. Mobile home does not include a recreational vehicle, commercial coach or modular housing (i.e., factory-built housing).

02.800 Mobile-home display units.

"Mobile-home display units" means any mobile home or mobile homes which are used solely for the purpose of displaying units offered for sale by the developer of an approved mobile-home park or subdivision in the area.

Mobile-home display units are deemed to be temporary and shall be removed from the site at the completion of the sales program or upon termination of any permit issued for that use. Mobile-home display units shall not be used at any time for living quarters unless installed on legal mobile-home lots that provide all necessary support requirements.

02.810 Mobile-home park.

"Mobile-home park" means any area or tract of land designed as a single unit where two or more mobile-home lots or spaces are rented or leased, or held out for rent or lease to accommodate mobile homes used for dwelling purposes.

02.820 Modular.

Refer to Factory built housing definition, Section 02.480.

02.830 Model home or unit, temporary.

"Temporary model home or unit" means any dwelling unit or units which are used solely for the purpose of displaying units offered for sale and which are of a temporary nature, the unit or units to be removed from the site at the expiration of any permit issued for the use. Temporary model homes or units shall not be used at any time as living quarters.

02.840 Motel.

"Motel" means a building or buildings containing guest rooms or units with associated automobile parking spaces designed and used primarily for the accommodation of transient automobile and other travelers.

02.850 Nonconforming.

"Nonconforming" means the existence or use of land, a building, a structure or portion thereof, which does not conform to the regulations of the land development regulations and which lawfully existed at the time the regulations with which it does not conform became effective.

02.860 Nurseries.

"Nurseries" means the retail or wholesale handling of any article, substance or commodity related to the occupation of gardening, including the sale of plants, shrubs, trees, packaged fertilizers, soils, chemicals and other nursery goods and related products. The bulk sale or bulk storage of fertilizers, soils, chemicals and other garden supplies shall be within a building.

02.870 Open space.

"Open space" means land where basic natural values have been retained. Open space can include wilderness areas as well as a small park in the middle of town, pastures, forested areas, agricultural uses, golf courses, flood washes, ski runs, etc. The function of open space may differ, depending upon the location. It may have a protective function, as in the case of open space in flood plain areas, where it serves to protect health and safety. It can have a structural or buffer function to space and separate conflicting land uses. It may serve the function of recreation or a scenic function to provide aesthetic views of forests or mountains.

02.880 Outdoor sales.

"Outdoor sales" means any retail sales operation conducted either partially or entirely outside, in a motorized vehicle, or temporary structure (i.e., tent, vegetable stand, etc.).

02.890 Overlay District.

"Overlay district" means an area within which a set of standards and requirements are employed to deal with special physical characteristics such as hazardous areas. Overlay districts are sometimes described in the general or area plans and are mapped and/or imposed in conjunction with, and in addition to, those of the underlying land use designation.

02.900 Parking space.

"Parking space" means a usable space on the building site at least 10 feet x 20 feet if over 7000 feet elevation and at least 9 feet x 18 feet if covered or under 7000 feet elevation. Such space shall be located off the street with adequate access to such space.

02.910 Parking, underground structure.

"Underground parking structure" is an improved, covered parking lot built beneath the structure which it primarily serves, and not extending more than five feet above the finished grade. Building height is then measured from the top of the underground parking structure.

02.920 Poultry farms.

"Poultry farms" means the raising and/or keeping of chickens, ducks, geese, pigeons, pheasants, or guinea fowl for commercial purposes.

02.930 Professional office.

"Professional office" means an establishment for professional, executive or administrative offices, including those of accountants, lawyers, medical doctors, dentists, architects, engineers, drafting offices, insurance agents, real estate agents and other occupations which are of similar character to those enumerated, but not including barbers, beauty parlors, cosmetologists or other service establishments or building trades contractors.

02.940 Public Buildings and uses.

"Public buildings and uses" means any civic or service oriented facility available to the general public including such uses but not limited to schools, parks, playgrounds, educational, recreational and social facilities, libraries, museums, firehouses, courthouses, administrative offices, hospitals and other governmental facilities.

02.950 Public utility buildings, structures and uses.

"Public utility buildings, structures and uses" means the use of land for public utility purposes by public, quasi- public and private energy and communication purposes and distributors except for conventional electrical distribution substations and facilities. Hydroelectric and geothermal power plant construction is considered to fall within this definition.

02.960 Quasi-public buildings and uses.

"Quasi-public buildings and uses" means a use operated by a private nonprofit educational, religious, recreational, charitable, fraternal or medical institution, association or organization, and including but not limited to such uses as churches, private schools, universities, community recreational, educational and social facilities, meeting halls, private hospitals and similar uses.

02.970 Recreational vehicles.

"Recreational vehicles" means a motor home, travel trailer, truck camper, or camping trailer, with or without motor power, designed for human habitation for recreation or emergency occupancy, which is eight feet or less in overall width and forty feet or less in overall length, or a bus conversion for human habitation, and for which a special permit and/or chauffeur's license is not required by the California Vehicle Code to move such vehicle on a public highway.

02.980 Recreational-vehicle park.

"Recreational-vehicle park" means any area or tract of land where two or more lots or spaces are rented or leased, or held out for rent or lease to owners or users of recreational vehicles which are occupied for temporary purposes or seasonal use. A recreational-vehicle park may allow the use of tents or other temporary camping facilities either in place of a recreational vehicle or in a separate designated area within its confines and considered as part of the number of approved lots or spaces in the park. In addition, an RV park normally contains provisions for electrical and sanitary hook-ups.

02.990 Scenic Highway.

"Scenic Highway" means any freeway, highway, route, road, street, boulevard, or other public right-of-way which traverses an area of land generally adjacent to (within 1,000 feet) and visible from the highway, which requires protective measures to ensure preparation of its scenic qualities.

02.1000 Scenic Highway Corridor.

"Scenic Highway Corridor" means the area of land generally adjacent to (within 1,000 feet) and visible from the highway, which requires protective measures to ensure preparation of its scenic qualities.

02.1010 Screening.

"Screening" means the use of fences, hedges, and walls as well as earth mounds and the massing of trees and shrubs in order to mitigate visual nuisance generated by specific land uses and to protect the amenities of abutting land use districts in accordance with the intent of those districts.

02.1020 Service station.

"Service station" means a retail business establishment limited to the sale of motor fuels and supplying goods and services generally required in the operation and maintenance of automotive vehicles. These may include sale of petroleum products; sale and servicing of tires, batteries, automotive accessories and replacement items; washing and lubrication services; the performance of minor automotive maintenance and repair. Major automotive repairs, painting, and body and fender work are excluded except where such uses are otherwise permitted in the district.

02.1030 Setback line, street.

"Street Setback line" means a line which defines the depth of the required street setback, front yard, or side yard or side street where said yard or yards abut a street. Said street setback line shall be parallel or concentric with the street right-of-way line.

02.1040 Sign.

"Sign" means any words, letters, numerals, emblems, designs, or other marks shown on any card, cloth, paper, metal, painted surface, glass, wood, plaster, stone or other device of any kind or character by which anything is made known and used to attract attention.

02.1050 Site plan.

"Site plan" means a plan, prepared to scale, showing accurately and with complete dimensions all of the uses proposed for a specific parcel of land taking into consideration the natural and man-made characteristics of the parcel.

02.1060 Site plan review.

"Site plan review" means the review by the County of a site plan and other studies to assist the County in determining the manner in which the applicant intends to make use of his property.

02.1070 Social care facility.

"Social care facility" means any facility in the general classification of a boarding home for aged persons, boarding home for children, day care home for children, day nursery, nursing home or parent-child boarding home. These facilities consist of a building or group of buildings used or designed for the housing of sick, demented, injured, convalescent, infirm or well, normal healthy persons, requiring licensing or certification by regulating government agencies.

02.1080 Special event.

"Special event" means any infrequently held activity, which requires extending service needs beyond normal service levels provided at the site; that is held at any place other than in a permanent building or permanent installation which has been constructed for the purpose of conducting such activity; and to which members of the public are invited or admitted; or is sponsored or encouraged by a club or organization. Special events may include, but are not limited to outdoor festivals, cultural festivals, carnivals, organized racing events, bazaars and rummage sales, and swap meets held no more than twice a year by any one organization.

02.1090 Stable, private.

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"Stable, private" means a detached accessory building for the keeping of horses, burros, or mules owned by the occupants of the premises and not for remuneration, hire or sale.

02.1100 Stable, public.

"Stable, public" means a stable other than a private stable for keeping of horses.

02.1110 Street line.

"Street line" means the boundary between a street, public or private, and abutting property.

02.1120 Street, public.

"Public street" means a street, road or way, but not an alley; dedicated to, owned by or maintained by a state, county or incorporated city.

02.1130 Structural alterations.

"Structural alterations" means any change in the supporting members of a building, such as a bearing wall, column, beam or girder, floor or ceiling joists, roof diaphragms, foundations, pipes or retaining walls.

02.1140 Structure.

"Structure" means anything constructed or erected, except fences under six feet in height, the use of which requires location on the ground or attachment to something on the ground, but not including any trailer or tent.

02.1150 Subdivision.

"Subdivision" means the division, by any subdivider of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized County assessment roll as a unit or as contiguous units for the purpose of sale, lease or financing whether immediate or future except for leases of land for agricultural purposes. Property shall be considered contiguous even if it is separated by roads, streets, utility easement or railroad rights-of-way. Subdivision includes a condominium project, as defined in Section 1350 of the Civil Code, a community apartment project, as defined in Section 11004 of the Business and Professions Code or the conversion of five or more existing dwelling units to a stock cooperative, as defined in Section 11003.2 of the Business and Professions Code. As used in this definition, agricultural purposes means the cultivation of food or fiber or the grazing or pasturing of livestock.

02.1160 Substandard lot.

"Substandard lot" means a unit of land, the area, width or other characteristics which fails to meet the requirements of the land use designation in which it is located.

02.1170 Temporary use.

"Temporary use" is any use or occupation of any building or land for a period of (30) thirty days or less.

02.1180 Time-share project.

"Time-share project" is any project in which a purchaser receives the right in perpetuity, for life, or for a term of years, to the recurrent, exclusive use or occupancy of a lot, parcel, unit, or segment of real property, annually or on some other periodic basis, for a period of time that has or will be allotted from the use or occupancy periods where the

02.1190 Time-share estate.

"Time-share estate" is a right of occupancy in a time-share project which is coupled with an estate in real property.

02.1200 Time-share use.

"Time-share use" is a license, certificate or contractual or membership right of occupancy in a time-share project which is coupled with an estate in real property.

02.1210 Transient Rental.

"Transient Rental" means any structure, or portion of structure, which is occupied, or intended or designed for occupancy by transients for purposes of sleeping, lodging or similar reasons. A "transient" is any person who exercises occupancy, whether by agreement, concession, permit, right of access, license, contract, payment of rent or otherwise, for a period of thirty (30) consecutive calendar days or less.

02.1220 Travel trailer.

"Travel trailer" means a recreational vehicle. See Section 02.970.

02.1230 Use.

"Use" means the purpose for which land or a building thereon is designed, arranged or intended, or for which it is or may be occupied or maintained.

02.1240 Use, Accessory.

"Accessory use" means a use accessory to any permitted use and customarily a part thereof, which use is clearly incidental and secondary to the permitted use and which does not change the character thereof.

02.1250 Yard.

"Yard" means an open space other than a court on the same building site with a building, which open space is occupied and unobstructed from the ground upward, not including any portion of any street or alley or road right-of-way.

02.1260 Yard, front.

"Front yard" means that portion of the lot adjacent to a street right-of-way, extending between the side lot lines to a depth required by the district in which the lot is located.

02.1270 Yard, rear.

"Rear yard" means a yard extending across the back of the lot between the side lot lines and to a depth required by the district in which the lot is situated.

02.1280 Yard, side.

"Side yard" means a yard along the side line of the lot and to a width required by the district in which the lot is situated, and extending from the front yard to the rear yard.

CHAPTER 03**DEVELOPMENT STANDARDS—LAND USE DESIGNATIONS****Sections:**

- 03.010** **Land use designation criteria.**
03.020 **Land use designations.**

03.010 Land use designation criteria.

Each and every parcel of land in the unincorporated area of the county has been duly assigned a land use designation, as depicted in the Land Use Maps contained in Section VII of this Land Use Element. Except as otherwise expressly provided by these Land Development Regulations, no land may be developed or used except in the manner permitted by its assigned designation. (See also Sections 01.060, 02.705, and 04.020 of these Land Development Regulations.) Land use designations (shown on the land use maps) are based upon an evaluation of natural, cultural, and social characteristics of the land as well as the countywide land use policy framework and specific area policies. Those analyses, however, did not always include a detailed study of the circumstances and environmental constraints of each specific parcel. Future detailed evaluation of specific properties may show that an alternate designation is warranted. Upon proper application, the County will consider amendments to the land use designations.

03.020 Land use designations.

Section IV of the Land Use Element contains summary sheets of the development standards that apply to each land use designation in Mono County. These sheets contain the general standards for each land use designation, as well as the uses permitted; they do not detail all possible standards and exemptions applicable to the given land use designation. The following is a list of the land use designations found in Section IV.

<u>Symbol</u>	<u>Land Use Designation</u>
RR	Rural Residential
ER	Estate Residential
RMH	Rural Mobile Home
SFR	Single-Family Residential
MFR-L, M, H	Multi-Family Residential (Low, Moderate and High)
RU	Rural Resort
CL-M, H	Commercial Lodging (Moderate and High)
MU	Mixed Use
C	Commercial
SC	Service Commercial
IP	Industrial Park
I	Industrial
RE	Resource Extraction
RM	Resource Management
AG	Agriculture
SAA	Scenic Area Agriculture
OS	Open Space
NHP	Natural Habitat Protection

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PF	Public Facilities
SP	Specific Plan
AP	Area Plan

CHAPTER 04

DEVELOPMENT STANDARDS-GENERAL

Sections:

04.010	General provisions and exceptions.
04.020	Uses permitted.
04.030	Uses not listed as permitted.
04.040	Uses permitted subject to director review and approval.
04.050	Uses permitted subject to use permit.
04.060	Uses exempt.
04.070	Utilities.
04.080	Lot area.
04.090	Lot dimensions.
04.100	Density.
04.110	Building height.
04.120	Yards.
04.130	Special yard requirements.
04.140	Space between buildings.
04.150	Lot coverage.
04.160	Fences, screening and landscaping.
04.170	Off-street parking.
04.180	Access.
04.190	Signs.
04.200	Loading spaces.
04.210	Site plan review.
04.220	Countywide General Plan Provisions.
04.230	Area Plan Provisions.
04.240	Environmental review.
04.250	Nuisances and hazards.
04.260	Design Review Committee.
04.270	Animal Standards.
04.280	Placement of mobile homes in conventional SFR areas.
04.290	Home occupation.

04.010 General provisions and exceptions.

The general provisions and exceptions contained in these Land Development Regulations shall apply in all designations, where applicable. Where general provisions differ from provisions of a specific designation, the provisions of the specific designation shall apply.

04.020 Uses permitted.

- A. The regulations contained in this chapter shall apply to uses permitted throughout the land development regulations.
- B. Buildings, structures and land shall be used, designed, erected, structurally altered or enlarged only for the purposes listed as permitted in the land use designation in which such building, structure or land is located, and then only after applying for and securing all permits and licenses required by law. Any

use already established within an area when it is first designated but which is not a permitted use within such designation or is a permitted use only with a use permit shall be allowed to continue therein as a nonconforming use subject to all conditions and restrictions relating to nonconforming uses as provided in Chapter 34, Non-Conforming Uses.

- C. Accessory buildings and uses customarily incidental to any of the permitted uses and uses subject to a use permit when located on the same lot and constructed simultaneously with or subsequent to the main building.

04.030 Uses not listed as permitted.

- A. It is recognized that in the development of comprehensive land use development standards that:

- 1. Not all uses can be listed nor can future uses be anticipated.
- 2. Uses may have been omitted from the list of those specified as permissible in each of the various land use designations described in Section IV of this Land Use Element, hence the phrase, "plus such other uses as the Commission finds to be similar and not more obnoxious or detrimental to the public health, safety and welfare.

- B. Interpretation of "similar uses."

Where the term "and such other uses as the director or commission finds to be similar and not more obnoxious ... " is mentioned, it shall be deemed to mean other uses which, in the judgment of the director or the planning commission, as evidenced by a written decision, are similar to and not more obnoxious to the general welfare than the uses listed for the same designation. If a use is found similar to a permitted use or similar to a use requiring a director review or use permit, it shall also be permitted subject to the same requirements as its most similar listed use. The director shall make the interpretation concerning uses permitted or uses permitted subject to director review; the planning commission shall make the interpretation for uses permitted subject to use permit. For interpretation of uses of a potentially controversial or sensitive nature, the director may submit the matter to the commission for an interpretation.

Any decision may be appealed in accordance with Chapter 47, Appeals.

Prior to taking an action to find a use similar to and not more obnoxious to the general welfare than the uses listed for the same designation, the director or the planning commission shall find all of the following:

- 1. That the proposed use is consistent with this general plan and any applicable area plans or specific plans.
- 2. That the proposed use is compatible with the intent of the land use designation and is applicable throughout the county in that designation.
- 3. That the use is capable of meeting the standards and requirements of that designation.
- 4. That the use will be similar to and not be more obnoxious to the general welfare (i.e., health, safety) than the uses listed within the designation.

04.040 Uses permitted subject to Director review and approval.

- A. Placement and Use of Recreational Vehicles (RVs) on Vacant Property.
1. RV placement and use of undeveloped property during construction of a main building shall be permitted only for a short duration and shall not exceed one year, unless the Director Review Permit is renewed annually following notice to contiguous property owners.
 2. Long-term temporary uses - such as the use of an RV for three months of each year for a five year (5) period - may be permitted in seasonal hazard areas (e.g., designated avalanche or flood zones) subject to director review permit where otherwise appropriate.
 3. In granting a director review permit, the following conditions, at a minimum shall be required:
 - a. That the health department review and approve sanitation methods for the temporary use;
 - b. That the applicant obtain a building permit for the main building (if applicable) prior to RV placement;
 - c. That the applicant obtain any necessary permits for the RV use, such as a building permit for electrical hookup;
 - d. That the RV be removed from the site upon director review expiration;
 - e. That the RV be placed in a manner that minimizes visual impact to scenic highways and nearby properties.

No director review permit shall be granted if the proposed use is in conflict with local CC&Rs or applicable area or specific plans.

The temporary use of an RV for agricultural related purposes, where a parcel is twenty (20) acres or larger shall be exempt from the director's review. Storage of RV's on vacant parcels is also exempt from these requirements.

04.050 Uses permitted subject to use permit.

Certain uses listed in the land use designations set forth in Section IV of this Land Use Element are permitted only when subject to use permit. Such uses shall be subject to all applicable property development standards of this chapter and those of the designation in which the uses are located. Any such use shall be subject to submission of a site plan.

- A. Uses listed in the designations as "permitted subject to use permit" are permitted subject to the provisions of Chapter 32, Use Permits.
- B. In addition, the following uses are permitted in any designation subject to use permit:
1. Public buildings and quasi-public buildings and uses (see definitions).

2. "Special Events" such as a circus, carnival, open air theaters, race tracks or similar establishments involving assemblies of people and vehicles (see definitions).
3. The removal of minerals and natural materials. This does not include the excavation or removal of materials for a normal construction project or underground utilities or facilities; or the removal of mineral and natural materials or trees when such removal is motivated by land leveling as its prime objective.
4. Drilling for and/or the removal of oil or gas; geothermal fluids; and geothermal power plants generating up to 50 MW (megawatts) of electric power, including associated structures and transmission lines, (except lands under Williamson Act contract).
5. Wind generation (individual use), and commercial wind farms.
6. Small scale hydroelectric power generating facilities including, but not limited to: construction of generation facilities, penstocks, and diversion structures, and associated transmission lines.
7. Construction of an accessory building prior to the construction of a main building.
8. Airports, heliports, taxiways and landing strips for aircraft (except the OS designation).
9. Cemeteries, crematoriums (except the OS designation).

04.060 Uses exempt.

Any temporary and seasonal uses conducted by public agencies for public purposes shall be exempt from the provisions of the land use designations and land development regulations. This section is not applicable to permanent improvements.

04.070 Utilities.

Distribution lines to development shall be undergrounded. See Chapter 11, Development Standards–Utilities, for complete requirements.

04.080 Lot area.

- A. After the effective date of any general plan land use map by which any land or area is first assigned a land use designation, no land in any designation shall be divided by the recordation of any map or by voluntary sale, contract of sale or conveyance of any kind which creates a new parcel of land which consists of less than the minimum lot area required for the designation of which such lot is a part; provided further, that all land divisions shall be subject to the requirements for the division of land in Mono County. Any person participating in violation of this section, whether as seller, grantor, purchaser or grantee, is, as principle in the transaction, guilty of a misdemeanor.
- B. Where a lot has an area less than that prescribed by the land use designation in which that lot is located, and the lot was under one ownership at the time of

record at the time the area was first designated whereby the lot became nonconforming, the lot may be used subject to all property development standards of the designation in which such lot is located.

- C. If any land use designation is followed by a numerical suffix which differs from the base designation minimum, then the numerical suffix that follows shall take precedent.
- D. Minimum lot sizes for sewage systems
Minimum lot sizes shall be as follows: not with standing the fact that lesser lot sizes may be indicated in the respective designations:
 - 1. If an individual sewage disposal system but not an individual water supply are proposed, ten thousand (10,000) square feet;
 - 2. If both individual sewage disposal system and individual water supply are proposed, forty thousand (40,000) square feet;
 - 3. Minimum lot sizes in cluster subdivisions or similar developments not served by a public sewer system may be reduced if density standards for the whole subdivision are not increased above the gross density specified in the designation; provided that all other health requirements are met.

04.090 Lot dimensions.

- A. Every lot shall have a minimum width and depth of not less than 60'x100' unless otherwise specified in the designation in which the lot is located. The dimensions are minimum only and shall be increased where necessary to attain the minimum lot area required.
- B. The lot depth shall not exceed three times the lot width (3:1), unless the lot is ten (10) gross acres or larger in size then a ratio of four to one (4:1) is acceptable.
- C. Where a lot has a width or depth less than that prescribed by the land use designation, and the lot was under one ownership at the time of record at the time that the area was first designated whereby the lot became nonconforming, the lot may be used subject to all property development standards of the designation in which such lot is located. See Section 17.16.350.

04.100 Density.

- A. All density is based upon the net acreage of the parcel.
- B. Density requirements set forth in the base designation shall apply. Fractional parts from 0.5 to 0.9 may be rounded to the next higher number, subject to all development standards of the land use designation.

04.110 Building height.

- A. All buildings and structures hereinafter designed or erected, or existing buildings which may be reconstructed, altered, moved or enlarged, shall have a height no greater than 35 feet measured from grade. All heights shall be

calculated from the natural grade or finished grade, whichever is more restrictive.

- B. Accessory buildings in any residential designation shall be limited to a maximum height of twenty (20) feet except as may be permitted by use permit.
- C. On sloping lots situated on the downhill side of streets, the permitted height may be increased, not to exceed a maximum height of twenty (20) feet above the centerline of the adjacent street, measured at a point halfway across the street frontage of the lot.
- D. On large commercial projects and multifamily, condominium or apartment projects where an entire floor area is devoted to underground parking, the height of building shall mean the vertical distance from the ceiling of the parking facility to the topmost point of the building, but excluding certain features as specified in Sections 04.110 A & B.
- E. Exceptions to the Height Limitations:
 - 1. Permitted: The following uses are permitted:
 - a. Public utility exceptions. Poles for public utilities shall be allowed in all designations to a height greater than that permitted for buildings in the designation.
 - b. Residential exceptions. The height specified for residential development of 35' may be adjusted to allow additional height to a maximum of 45', provided that the required side and rear yards are increased one (1) foot in width for each foot of height over 35'.
 - 2. Director Review: The following uses shall be permitted at a height greater than 35 feet subject to Director review and approval: chimneys, silos, cupolas, flag poles, wind generation towers, monuments, natural gas storage holders, radio and other towers, water tanks, church steeples and similar structures and mechanical appurtenances that are permitted in a designation. In cases where the additional height might result in substantial detrimental effects on the enjoyment and use of surrounding properties, a use permit will be required.
 - 3. Use Permit: Commercial and industrial exceptions - The height limitations of this chapter may be modified in commercial and industrial land use designations upon securing use permit approval providing that the gross floor area of such buildings shall not exceed that possible for buildings in such respective land use designations erected within the height limits of such district. Further, this approval is contingent upon a finding by the Planning Commission that the project will not result in substantial detrimental effects on the enjoyment and use of surrounding properties, and that the modified height will not exceed the lifesaving equipment capabilities of the fire protection agency having jurisdiction, and in no case shall exceed 60'.

04.120 Yards.

The following minimum yard requirements are applicable to all designations, unless they differ from the provisions of a specific designation, then the provisions of the specific designation shall apply.

A. Residential designations; Specific Plan; and Rural Resort:

1. Front: Each lot shall have a front yard of not less than (20) twenty feet deep;
2. Side and Rear: Elevations 7000' and above: side and rear yards of not less than ten (10) feet. Eaves into side yards shall be designed so that roofs will not shed snow onto adjoining property, vehicle parking, or public ways. If it is determined by the Building Department that the design, pitch, etc., of the roof may cause any of the above shedding problems, the side yard shall be increased proportionately.

Elevations below 7000' shall have side yards of not less than ten (10) feet on one side and not less than five (5) feet on the other side; rear yards shall be not less than ten (10) feet.

The side yard setback may be reduced to a minimum of five (5) feet, when sufficient documentation is presented to the planning department by the applicant showing that the design of the roof of the dwelling or accessory building is oriented so that snow does not shed towards adjacent properties, parking areas, walkways or public rights of way or private road easements. Pools may encroach five feet into the required rear yard.

3. Exceptions - Lots substandard in area (i.e., less than 7500 square feet) or lots measuring less than one of the minimum length by width measurements (i.e., 60'x100') are subject to the following minimum side and rear yard requirements:
 - a. Side. Each side yard shall not be less than five (5) feet, on corner lots, the side yard abutting the street shall be not less than ten (10) feet;
 - b. Rear. Each lot shall have a rear yard of not less than (10) feet.

B. Commercial designations.

1. Front. Each lot shall have a front yard of not less than ten (10) feet deep;
2. Side. No requirement except:
 - a. When abutting a residential district the lot shall have a side yard of not less than ten (10) feet.
 - b. On corner lots - not less than ten (10) feet.
3. Rear. Each lot shall have a rear yard of not less than five (5) feet deep.

C. The yard requirements as set forth above or in the specific designation shall apply, but may be modified by use permit issued pursuant to the provisions of subsection C of Section 04.110.

04.130 Special yard requirements.

- A. Double frontage lots. Front yard setbacks shall be required on both frontages. On lots abutting upon two or more streets, no structure shall be erected so as to encroach upon the front or side yard abutting any street.
- B. Yard requirements on combined lots. Contiguous lots may be combined to create a single building site. Where two or more contiguous lots are combined, yards shall be established from the exterior boundaries of the building site. Upon issuance of any permit for a building site containing two or more contiguous lots which have been combined to create the building site, the parcel shall be deemed a single parcel and all interior lot lines will be eliminated. Consequently, if less than the entire building site is to be sold, transferred, or conveyed, a parcel map must be recorded pursuant to Chapter 17.36 of the Mono County Code.
- C. Plan lines. If an official plan line is specified in the circulation element of this General Plan, any area general plan or land use designation, the required yards on the street side shall be measured from such official plan lines. In no case shall the provisions of land development regulations be construed as permitting any structure to extend beyond such official plan lines.
- D. Other yard regulations.
 - 1. Architectural features. Architectural features such as cornices, eaves, and canopies may extend not more than thirty inches into any required yard. Fireplaces, not exceeding eight feet in breadth, may extend not more than thirty inches into any required yard.
 - 2. Porches. Open, uncovered porches, landing places or outside stairways may project not more than three feet into any required yard.
 - 3. Front Yard Variation. In any residential designation where fifty percent or more of the building sites on any one block have been improved with buildings, the required front yard shall be not less than the average of the developed building sites, to a maximum of that specified for the designation in which the building site is located.
 - 4. Garage within Front Yard. Notwithstanding any part of the requirements of this section, in cases where the elevation of the front half of the lot at a point fifty feet from the centerline of the street is seven (7) feet above or below the grade of the centerline, a private garage, attached or detached, may be constructed to within five feet of the front line; provided that no such structure shall exceed eight (8) feet in height, measured from the finished floor line to the top plate line, nor more than twenty (20) feet from finished floor line to the roof peak or other structural appurtenance.
 - 5. Pools. Pools may not be located closer than five (5) feet from any side or rear lot line, nor shall they encroach into any easements. On corner lots, no pool shall be located closer than ten (10) feet to the lot line abutting the side street.
 - 6. Stables. The minimum building site area for the first two horses in a cooperatively or commercially owned stable is two (2) acres. For each additional horse, ten thousand square feet is required in addition to two acres. Stables and paddocks shall not be less than fifty (50) feet from the

front property line nor less than fifty (50) feet from any dwelling unit. These requirements do not apply to horses kept for personal use in permitted designations or in an equestrian combining designation.

7. Streams/creeks. In order to minimize the impact to areas with lakes, streams and creeks, the following procedures shall be applicable (specific plans or area general plans may be more restrictive or less restrictive, and shall take precedence):
 - a. Definitions A major stream is shown as a permanent stream on a U.S. Geological Survey (UGS) map, and is a continuously flowing water body. A minor stream is shown as an intermittent stream on a USGS topographic map and is a permanent stream with low flow during all or part of the year. Seasonal streams not shown on a USGS map are not subject to this section, unless determined otherwise in accordance with subparagraph c of this subdivision. A lake is an accumulation of water, larger than a pool or pond, generally formed by a natural or manmade obstruction in the course of flowing water, that is shown on a USGS map.
 - b. New development shall be subject to the following minimum setbacks from any lake, and major or minor stream. Any proposed structure, including associated impervious surfaces, shall be located a minimum of thirty feet from the top of the bank. Greater setback requirements may be imposed through the land division and/or environmental review process if determined necessary to protect the waterbody and riparian resource. Deviations of these setback requirements may be granted if the mandatory director review findings can be made and the applicant can demonstrate that the proposed construction will not result in a significant adverse impact on the waterbody or the riparian area. Such director review applications shall include a landscaping plan which illustrates all project site disturbance areas and specifies a comprehensive program for restoring the disturbed areas.

Structures and uses existing within these setback areas prior to January 1, 1990 shall be permitted to remain and, if necessary, be reconstructed. Such reconstruction within the setback area shall not result in:

1. An increase in lot coverage;
 2. A change in use;
 3. Increased runoff from impervious surfaces; or
 4. An adverse change in the drainage of the lot.
- c. If the Department of Public Works determines in the course of their review that a stream course not identified on a U.S.G.S. map carries significant flow (either continuously or intermittently), the building setbacks in this subdivision may be imposed.

04.140 Space between buildings.

All buildings hereafter designed or erected and existing buildings which may be reconstructed, altered, moved or enlarged, shall comply with the space between building requirements as set forth herein:

LAND USE ELEMENT

The minimum space between exterior walls of building on the same lot shall be as follows:

- A. For buildings side to side or front to side, the space shall be not less than one half the height of the highest building abutting the space, but in no case less than ten (10) feet.
- B. For buildings front to front or front to rear, the space shall be not less than the average height of the main buildings, but in no case less than twenty (20) feet.
- C. Structures are considered attached if it is made structurally a part of and there is a common roof or wall.

04.150 Lot coverage.

All buildings hereafter designed or erected, and existing buildings which may be reconstructed, altered, moved or enlarged, shall comply with the maximum coverage of lot in the designation in which they may be located.

04.160 Fences, screenings and landscaping.

Fences are permitted, but not required, and shall not exceed six feet in height. Where fence, hedge or wall is located in any required front yard, it shall not exceed four feet in height. Higher fences in the front setback may be permitted subject to use permit, if they do not obstruct the line of sight from vehicles in roadways or driveways.

Screening and landscaping is permitted and may be required by the Planning Director for projects that need buffering from adjacent uses and/or to stabilize exposed or disturbed soils. Screening may take the form of berms, fences, landscaping, other appropriate materials or combinations thereof. Landscaping should utilize native and drought resistant species to the greatest extent practicable. Shrubs and trees should be of sufficient size and maturity to survive weather extremes as landscaped areas are frequently used for snow storage purposes over extended periods of time. Normally, a minimum one (1) inch caliper tree with staking will be required.

04.170 Off-street parking.

The provisions of Chapter 6, Development Standards–Parking, shall apply. Tandem parking is prohibited for all multiple family projects and all commercial and industrial uses.

04.180 Access.

Access to provide adequate ingress and egress shall be built and maintained to all lots in each designation according to all applicable road standards as determined by the Department of Public Works.

04.190 Signs.

- A. All signs shall be placed in accordance with the regulations established in Chapter 7, Development Standards–Signs.
- B. The following signs shall be permitted subject to Director's Review:
 - 1. Attached.

2. Freestanding/Monument.
 3. Directional.
- C. The following signs shall be permitted in all designations:
1. Real estate.
 2. Political.
 3. Temporary.

04.200 Loading spaces.

Loading space requirements shall be determined at the time of site plan review in accordance with the uses proposed.

04.210 Site plan review.

- A. Pre-application conference. Prior to submitting an application for a use permit, tentative tract or variance of substantial size and/or complexity (as determined by the Director), a prospective applicant should consult with the Land Development Technical Advisory Committee to obtain relevant information as well as to inform the Committee of the applicant's intentions. This conference will provide an opportunity to review the proposed plan of development and identify potential requirements or subjects requiring particular attention prior to entering into binding commitments or incurring substantial expense in preparing plans, surveys and other data. The applicant shall provide a conceptual plan showing the site, topography, surrounding land uses and road right-of-ways. Minutes will be taken by planning staff at the meeting and a copy shall be provided to the applicant. These minutes shall be included with the application at the time it is formally submitted.
- B. Compatibility with adjacent lands. Any site plan shall be designed and developed in a manner compatible with and complementary to, surrounding uses in the immediate vicinity of the site. Site planning on the perimeter shall give consideration to protection of the property and any division into parcels shall relate harmoniously to the topography of the site. Consideration shall also be given to suitable provision for reservation of watercourses (see Section 04.130 E.7.), wooded area, rough or steep terrain, and similar natural features and areas, and shall otherwise be so designated as to use such natural features and amenities to best advantage.
- C. A site plan shall be submitted for any use requiring a use permit. The site plan shall show the subject site, significant topographic features and adjacent structures in relation to proposed structures, phasing, intended method of parking and circulation, proposed grading and landscaping and such additional information (i.e., trash collection, snow storage, existing trees of twelve (12) inches or greater in diameter, or stands) deemed necessary for consideration of the proposal, or as required by applicable area general plans.

04.220 Countywide General Plan Provisions.

Prior to submitting an application for any new land use or a change of use, a prospective applicant should consult this general plan to ensure that the proposal is consistent with the goals and policies as well as the mapped land use designations of this general plan. The general plan is comprised of seven "elements." Each of these elements must be reviewed to determine a project's consistency. The elements which

make up the general plan include: land use (including maps illustrating land use designations), circulation, conservation and open space, noise, housing, safety and hazardous waste.

04.230 Area Plan Provisions.

In areas in which an area plan has been adopted (i.e., Antelope Valley, Bridgeport, Bodie Hills, Mono Basin, June Lake, Long Valley, Mammoth Vicinity, Wheeler Crest, Tri-Valley) the provisions of the area plan shall also apply.

04.240 Environmental Review.

The environmental impact of applications for land uses subject to the regulations of this General Plan shall be reviewed and taken into account in deciding whether such applications shall be approved, as provided in Chapter 16, Mono County Code.

04.250 Nuisances and Hazards.

When any of the following is contained on any lot and is considered to be a nuisance or hazard to surrounding properties, the appropriate county entity shall investigate and initiate the appropriate enforcement proceedings:

- A. Emission of odors. Enclosures, devices, or other precautionary means shall be employed to ensure that odors are maintained at reasonable levels appropriate for the district and are not objectionable at the point of measurement when the use is in operation.
- B. Discharge of liquid or solid wastes. Land uses shall operate within the guidelines of the Lahontan Regional Water Quality Control Board. Disposal of liquid and solid waste shall also be in compliance with Chapter 7.12 and 7.16, Title 7, Health and Welfare, Mono County Code. Liquid or solid wastes discharged from the premises shall be properly treated prior to discharge so as not to contaminate or pollute any watercourse or groundwater supply or interfere with the bacterial processes in sewage treatment.
- C. Vibration, noise. Refer to Chapter 10.16 of the Mono County Code, Public Peace, Safety and Morals.
- D. Fire and explosion hazard. All activities involving the use of storage of combustible, flammable or explosive materials shall be in compliance with nationally recognized standards and shall be provided with adequate safety devices for protection against the hazard of fire and explosion, and adequate fire fighting and fire suppression equipment and devices in compliance with state and local fire prevention regulations. Burning of waste materials in open fires is prohibited without written approval of the local fire department.
- E. Electrical disturbance. No activity or land use shall cause electrical disturbance that adversely affects persons or the operation of any equipment across lot lines and is not in conformance with the regulations of the Federal Communications Commission.

04.260 Design Review Committee (DRC).

Review by the local design review committee is required, where applicable. This DRC review should be initiated upon application to the County and finalized prior to issuance of building permits. The DRC will generally review all commercial structures, multiple-family residential uses of four (4) units or more, and signs.

04.270 Animal Standards.

- A. Pet animals. The keeping of pet animals is permitted in addition to the animal units permitted in the matrix in the following subsection. Pet animals are subject to the following provisions:
1. For all dwellings except multiple family, any and all of the following pet animals are permitted, with no minimum lot areas:
 - a. Four (4) dogs and four (4) cats.
 - b. Up to four (4) of any combination of the following:
 - Chickens (excluding roosters), cooped.
 - Ducks, penned.
 - Goose, turkey or similar fowl (limit 1), penned.
 - Rabbits or other domestic animals of similar size at maturity, penned.
 - c. Domestic birds, not fowl, enclosed at least 15 feet from any dwelling on adjoining property.
 2. Multiple-family dwellings are permitted any combination of cats and dogs, up to a maximum of four animals per dwelling unit.
- B. Animal units. Animal husbandry, and the keeping of animals accessory to dwellings shall be permitted in accordance with the Animal Standards Table.

**Table 04.270
Animal Standards**

Zone District	Minimum Lot Area Required	Animal Units Permitted (a,b)	Distance Separation Requirements (c)
ER RR	10,000 sq. ft.	<p>Less than 1 acre: 1 unit per 10,000 sq. ft. of lot area with director review with notice</p> <p>1-10 acres: 1 unit per 10,000 sq. ft. of lot area</p> <p>> 10 acres: no limit</p>	<p>No requirements in OS, PF, AG</p> <p>Exempt for movement on and off the property, animals shall not be kept. Maintained or used in any other way, inside or outside of any structure, within 40 feet of those portions of any structure used for human occupancy, assembly or habitation, other than the residence of the owner or keeper of such animals.</p>
RMH AG PF OS	10,000 sq. ft.	<p>10 acres or less: 1 unit per 10,000 sq. ft.</p> <p>> 10 acres: no limit</p>	
SFR	20,000 sq. ft.	<p>Two units per 20,000 sq. ft. of lot area with director review with notice</p> <p>> 1 acre: 1 unit per 10,000 sq. ft. of lot area</p>	

One Animal Unit Equals:

1 cow, bull, horse, mule, donkey or llama	2 pigs, goats or sheep 6 geese, turkeys or similar fowl
10 chickens, ducks, or game hens, excluding guinea hens and roosters in the SFR	12 fur-bearing animals including and other fur-bearing size at maturity

Notes:

- (a) In calculations for permitted animals, fractional numbers are to be rounded to the lower whole number.
- (b) The offspring of animals are allowed and shall not be counted until they are of weanable or of self-sufficient age. Dogs and cats shall be counted at four months of age or more.
- (c) Applicability of lot area requirements: These animal standards refer to each individual lot or parcel; lots can not be combined to meet area or other requirements for animal keeping.

04.280 Placement of mobile homes in conventional SFR areas.

Pursuant to state law, mobile homes (manufactured housing) are allowed in all areas designated for conventional single-family residential dwellings, ,” SFR, ER, RR, RMH, MFR-L, RU, RM and AG. In addition, they are allowed in the MU designation subject to Director Review. Mobile homes are not allowed in other designations. Mobile homes that do not meet the following standards may be allowed in the designations identified above, subject to a Use Permit.

The following requirements apply to all mobile-home installations except those installed in the RMH designation.

- A. A plot plan showing the proposed access, parking and location of the unit on the parcel;
- B. Evidence that the mobile home is 10 years old or newer on the date of installation. Mobile homes allowed in the RMH designation are exempt from this provision.
- C. For factory built or modular housing, a seal certifying that the unit has been approved by the California Department of Housing and Community Development.
- E. The unit must meet the design wind, seismic and roof load requirements. Mobile homes installed in the RMH designation that do not meet the snow load requirements may construct a ramada over the mobile home to meet the requirements.
- F. In addition the following standards shall apply to all mobile homes, except in the RMH designation;
 - 1. Have a minimum width of not less than twenty feet.
 - 2. Be attached to a permanent foundation system or better in compliance with all applicable building regulations;
 - 3. Be covered with an exterior material customarily used for conventional dwellings and approved by the Mono County Building Department. The exterior covering material shall extend to the ground except when a solid concrete or masonry perimeter foundation is used the exterior covering material need not extend below the top of the foundation;
 - 4. Have a roof pitch of not less than two inch vertical rise for each twelve inches of horizontal run and consisting of singles or other material customarily used for conventional dwellings and approved by the Mono County Building Department.
 - 5. Meet the roof loading requirements of the particular area in which the unit is installed;
 - 6. Eaves (roof overhang) shall be provided to the extent deemed necessary by the Mono County Building Department in order to be visually compatible with nearby single-family dwellings as well as to protect the structural integrity of the vertical walls of the unity.

04.290 Home occupation.

Home occupations are permitted in all residential designations, subject to obtaining a business license and compliance with the following home occupation standards. A proposed home occupation must be clearly incidental and secondary to the residential use of the parcel and must be carried on within onsite structures by inhabitants of the parcel.

In order to maintain the home occupation and the business license, the applicant shall comply with all of the following home occupation standards at all times:

- A. The business shall be confined completely within the dwelling and occupy not more than twenty-five percent of the gross floor area of one floor thereof;
- B. The business shall involve no sales of merchandise other than that produced on the premises or merchandise directly related to and incidental to the occupation; as long as no other violation of any other subsection occurs;
- C. The business shall be carried on by members of the family occupying the dwelling, with no other persons employed;
- D. The business shall produce no evidence of its existence in the external appearance of the dwelling or premises, or in the creating of noise, odors, smoke or other nuisances to a greater degree than that normal for the neighborhood (i.e., no delivery trucks);
- E. The business shall not generate pedestrian or vehicular traffic beyond that normal in the neighborhood in which located;
- F. The business shall require no structural, electrical or plumbing alterations in the dwelling;
- G. The business shall involve no equipment other than that customarily used in dwellings;
- H. The business shall involve no outdoor storage or advertising.

TABLE 4.080

BUILDING HEIGHT REQUIREMENTS

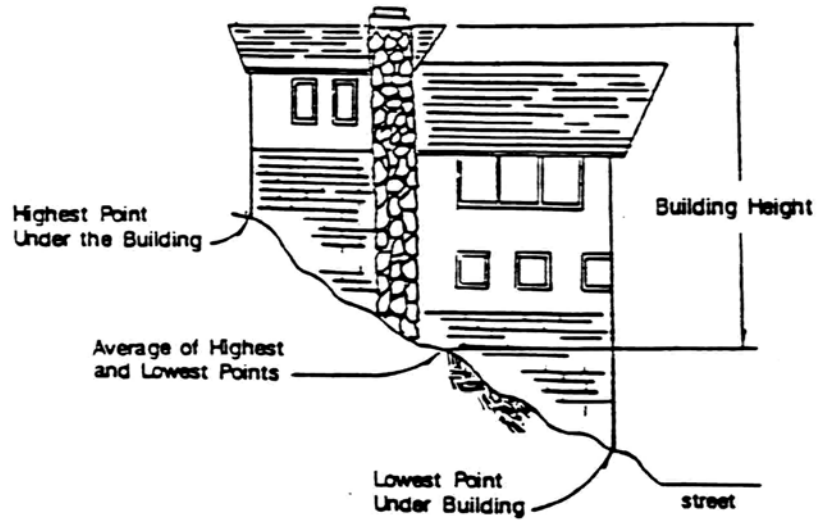
(All heights shall be calculated as the vertical distance from the average of the highest and lowest points under the structure to the topmost point of the structure, exclusive of vents, chimneys or other such incidental appurtenances [see Figure 4.080].)

Situation	Requirement
All buildings hereafter designed or erected, or existing buildings which may be reconstructed, altered, moved or enlarged	Height no greater than 35 feet measured from grade. All heights shall be calculated from the natural grade or finished grade, whichever is more restrictive
Residential development	May be permitted greater than 35 feet, to a maximum of 45 feet, provided, that the required side and rear yards are increased one foot in width for each foot of height over thirty-five feet.
Accessory buildings	Maximum height of 20 feet (15' in the MFR-L), except as may be permitted by use permit.
Barns, stables and similar necessary buildings in the Equestrian Overlay District	May exceed the height limitation for accessory structures (20'), but in no case greater than 35'.
Accessory agricultural buildings in the AG district (i.e. hay barn)	Maximum height of 40 feet.
Sloping lots situated on the downhill side of streets	The permitted height may be increased, not to exceed a maximum height of twenty (20) feet above the centerline of the adjacent street, measured at a point halfway across the street frontage of the lot (see Figure 4.080).
Commercial, apartments, multifamily or condo projects with an entire floor devoted to underground parking (see 2.1160, Definitions-- Parking, underground)	The height of the building shall be calculated as the vertical distance from the ceiling of the parking facility to the topmost point of the building, exclusive of vent, chimneys or other such incidental appurtenances.
Structures in I or IP districts	Maximum height of 40 feet.
Public utility poles	Allowed in all districts to a height greater than that permitted for buildings in the district.

TABLE 4.080--BUILDING HEIGHT REQUIREMENTS--continued

Situation	Requirement
Chimneys, silos, cupolas, flag poles, wind generation towers, monuments, natural gas storage holders, radio & other towers, water tanks, church steeples, & similar structures & appurtenances	Permitted at a height greater than 35 feet subject to Director Review. In cases where the additional height might result in substantial detrimental effects on the enjoyment and use of surrounding properties, a use permit will be required.
Fences	Fences shall not exceed six feet in height. Where a fence, hedge or wall is located in any required front yard, it shall not exceed four feet in height.
Commercial and Industrial Districts	Height limitations may be modified in these districts subject to Use Permit, provided that the gross floor area of such buildings shall not exceed that possible for buildings erected within the height limits of such districts. This approval is contingent upon a finding by the Planning Commission that the project will not result in substantial detrimental effects on the enjoyment and use of surrounding properties, and that the modified height will not exceed the lifesaving equipment capabilities of the fire protection agency having jurisdiction and in no case shall exceed 60 feet.
Natural Habitat Protection (NHP) District	No building or structure shall have a height greater than 24 feet.

A. UP SLOPING LOTS



B. DOWN SLOPING LOTS

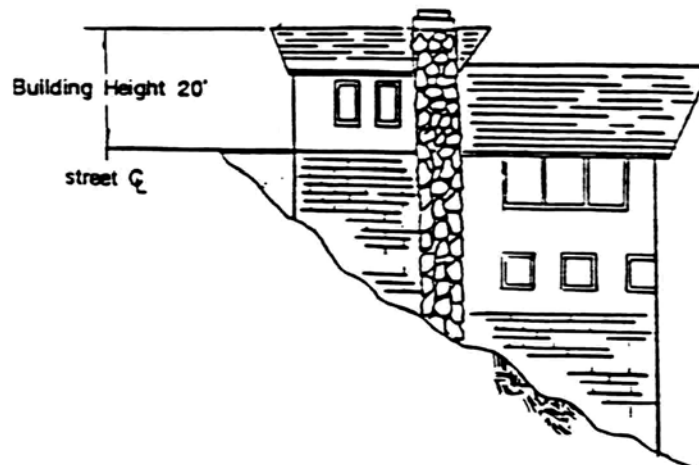


Figure 1
MEASUREMENT
OF BUILDING HEIGHT
Mono County, California

Mono County
Planning Department

TABLE 4.090-SPECIAL YARD REQUIREMENTS--continued

Residential Lots --Side Yards	<p>7000' elevation and above: 10'; The side yard may be reduced to 5' when sufficient documentation is presented showing that the design of the roof of the dwelling or accessory building is oriented so that snow does not shed towards adjacent properties, parking areas, walkways or roads.</p> <p>Below 7000' elevation: one side yard of 10', one side yard of 5'.</p> <p>If it is determined by the building department that the design, pitch, etc., of the roof may cause any snow shedding problems onto adjoining property, vehicle parking, or public ways, the side yard shall be increased proportionately.</p>			
Residential Lots--Front Yard Variation	In any R district where 50 percent or more of the lots on any one block have been improved with buildings, the required front yard shall be not less than the average of the developed lots, to a maximum of that specified for the district.			
SFR	Cluster developments may propose zero lot lines for side yards as part of the use permit review process.			
Garage within Front Yard	Where the elevation of the building site at a point 50 feet from the centerline of the street is 7 feet above or below the grade of the centerline, a private garage, attached or detached, may be constructed to within 5 feet of the front property line, provided that no such structure exceeds 8 feet in height, measured from the finished floor line to the top plate line, nor more than 20 feet from finished floor line to the roof peak or other structural appurtenance.			
Situation	Front Yard	Rear Yard	Side Yard	Other
ER, RR & AG	50'	50'	50'	Accessory building used as barns or stables shall be not less than 30' from side or rear property line, nor less than 50' from any front property line. The side and rear setbacks may be reduced to 20' with CDF waiver.
NHP	30'	30'	30'	
OS				
RM	50'	30'	30'	
I				
IP	20'	Uses subject to a DR 5'* Uses subject to UP 10'*	Uses subject to a DR 0* Uses subject to UP 10'*	When abutting any residential district, no yard shall be less than 20 feet along the abutting property. The minimum side yard abutting the street /road easement shall be 10'. *Side and Rear maybe modified by the Director or Commission.
RU	30'	30'	30'	
PF				
Commercial (MU, C, SC, CL-M & H)	10'	5'	0'	When abutting a residential district the lot shall have a side yard of not less than 10 feet. On corner lots not less than 10 feet side yard.

TABLE 4.090-SPECIAL YARD REQUIREMENTS--continued

CL-M, MFR-M,	Condominium, townhouse and similar developments requiring a concurrent subdivision application may propose zero lot lines for side yards.
Commercial Stables	Stables and paddocks shall not be less than fifty feet from the front property line nor less than 50' from any dwelling unit.
Plan Lines	If an official plan line is specified in the circulation element of an area general plan, the required yards on the street side shall be measured from such official plan lines. In no case shall the provisions of this title be construed as permitting any structure to extend beyond such official plan lines.
Commercial lots in June Lake, Lee Vining, Bridgeport	<p>In areas where the majority of the commercial properties have previously been developed to less than the required 10 foot front setback, i.e. June Lake, Lee Vining, Bridgeport, the 10 foot setback requirement may be reduced provided that the applicant can demonstrate all of the following:</p> <ul style="list-style-type: none"> a. The project provides a front yard of not less than the average front yard depth of the developed properties in the commercial district; and b. The reduced setback will not adversely impact or impair the ultimate development of streets or sidewalks; and c. The reduced setback will not adversely impact street snow removal and/or storage; and d. The reduced setback will not adversely impact driving visibility or adversely obstruct the line of sight from vehicles in the roadway or driveway(s); nor adversely impact the aesthetic integrity of the commercial area; and e. The reduced setback will not result in a significant adverse impact to the natural environment; and f. The otherwise required setback would result in a fragmented and disjointed development that would disturb the functional and aesthetic integrity of the immediate adjacent established commercial area.
Yard requirements	Yard requirements as set forth above or in the specific district shall apply, but may be modified by use permit.
ENCROACHMENTS	
Feature	Permitted Encroachment
Cornices, Eaves, Canopies	Not more than 30 inches into any required yard.
Fireplaces	Fireplaces not exceeding 8 feet in breadth may extend not more than 30 inches into any required yard.
Decks, uncovered porches, landing places or outside stairs	Not more than 3 feet into any required yard.
Pools, Spas, Hot tubs	Pools etc. may not be located closer than five feet from any side or rear lot line, nor shall they encroach into any easement. On corner lots, no pool shall be located closer than ten feet to the lot line abutting the side street or road easement.

TABLE 4.090-SPECIAL YARD REQUIREMENTS--continued

CL-M, MFR-M,	Condominium, townhouse and similar developments requiring a concurrent subdivision application may propose zero lot lines for side yards.
Commercial Stables	Stables and paddocks shall not be less than fifty feet from the front property line nor less than 50' from any dwelling unit.
Plan Lines	If an official plan line is specified in the circulation element of an area general plan, the required yards on the street side shall be measured from such official plan lines. In no case shall the provisions of this title be construed as permitting any structure to extend beyond such official plan lines.
Commercial lots in June Lake, Lee Vining, Bridgeport	<p><u>In areas where the majority of the commercial properties have previously been developed to less than the required 10 foot front setback, i.e. June Lake, Lee Vining, Bridgeport, the 10 foot setback requirement may be reduced provided that the applicant can demonstrate all of the following:</u></p> <ul style="list-style-type: none"> a. The project provides a front yard of not less than the average front yard depth of the developed properties in the commercial district; and b. The reduced setback will not adversely impact or impair the ultimate development of streets or sidewalks; and c. The reduced setback will not adversely impact street snow removal and/or storage; and d. The reduced setback will not adversely impact driving visibility or adversely obstruct the line of sight from vehicles in the roadway or driveway(s); nor adversely impact the aesthetic integrity of the commercial area; and e. The reduced setback will not result in a significant adverse impact to the natural environment; and f. The otherwise required setback would result in a fragmented and disjointed development that would disturb the functional and aesthetic integrity of the immediate adjacent established commercial area.
Yard requirements	Yard requirements as set forth above or in the specific district shall apply, but may be modified by use permit.
ENCROACHMENTS	
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Cornices, Eaves, Canopies	Not more than 30 inches into any required yard.
Fireplaces	Fireplaces not exceeding 8 feet in breadth may extend not more than 30 inches into any required yard.
Decks, uncovered porches, landing places or outside stairs	Not more than 3 feet into any required yard.
Pools, Spas, Hot tubs	Pools etc. may not be located closer than five feet from any side or rear lot line, nor shall they encroach into any easement. On corner lots, no pool shall be located closer than ten feet to the lot line abutting the side street or road easement.

CHAPTER 06**DEVELOPMENT STANDARDS-PARKING****Sections.**

06.010	Minimum parking requirements.
06.020	Development.
06.030	Accessibility.
06.040	Tandem parking.
06.050	Parking size.
06.060	Parking layout.
06.070	Handicapped requirements.
06.080	On-site.
06.090	Off-site.
06.100	Joint use.
06.110	Minimum requirements.

06.010 Minimum parking requirements.

- A. The standards for providing parking shall apply at the time of erection of any main building or when off site parking is established. These standards shall also be complied with when an existing building is altered or enlarged by the addition of dwelling units or guest rooms, or where the use is intensified by the addition of floor space, seating capacity, seats, or changed to a use requiring additional parking.
- B. No parking area or parking space which is provided for the purpose of complying with the provisions of this chapter shall hereafter be relinquished, reduced or altered in any manner below the requirements established herein, unless equivalent spaces are provided elsewhere, the location of which is approved by the Commission.

06.020 Development.

- A. Any land hereafter used for parking lots, or car or trailer sales lots shall be developed with paving, drainage and painting, (lighting and wheel stops as determined by the Commission) according to the specifications of the County Departments of Planning and Public Works.
- B. All parking spaces shall be paved except as shown in the Table 06.010.
- C. Modification Of Requirements. The Planning Commission may waive, modify or increase the parking and driveway improvement standards of this section. The requirements in Table 06.010 are minimums.

06.030 Accessibility.

All parking spaces, whether in a garage or open area shall be located to be accessible and usable for the parking of motor vehicles. The minimum turning radius shall be twenty-five (25) feet.

06.040 Tandem parking.

Tandem parking is prohibited for all multiple residential, commercial, and industrial projects.

06.050 Parking size.

- A. Covered parking. The minimum size of parking spaces shall be nine (9) feet in width by twenty (20) feet in length.
- B. Uncovered parking. The minimum size of parking spaces shall be ten (10) feet in width by twenty (20) feet in length; in areas below 7,000 feet in elevation, the parking stall dimensions may be reduced to 9 feet by 18 feet. If a finding of necessity can be made for parking spaces directly accessed from a street, then the length of the parking space shall be thirty-three (33) feet.

06.060 Parking layout.

The method of providing parking shall be clearly shown on any site plan or building plan submitted for consideration.

06.070 Handicapped Requirements.

- A. Individual handicapped parking.
The minimum size shall be fourteen (14) feet wide lined to provided a nine (9) foot parking space and a five (5) foot loading area, by twenty feet in length.
- B. Double.
For two handicapped parking spaces, the minimum size shall be twenty-three (23) feet wide lined to provide two nine (9) foot parking spaces and one five (5) foot loading area shared between the spaces.

All handicapped parking shall be signed with surface identification symbol and with either a wall mounted or freestanding sign in accordance with the provisions of Title 24, 2-33240.

All parking shall be designed and maintained to permit full utilization of all spaces shown on the submittal. Covered parking may be incorporated in the design of the main building or buildings or may be permitted in separate parking structures.

06.080 On-site.

All parking spaces shall be on-site unless provided in accordance with the provisions of Section 06.090.

06.090 Off-site.

- A. When parking is to be provided off the regularly subdivided lot on which the structure or uses or portions thereof are located, the owner or lessee of record shall furnish satisfactory evidence to the Director that he owns or has available sufficient property to provide the minimum parking required by this chapter.
- B. When parking is to be provided on property other than that being developed or used, there shall have been recorded in the Office of the County Recorder, prior to the issuance of any permit to construct, erect, add to or alter, a covenant

executed by the owners of the property for the benefit of the County in a form approved by the County Counsel to the effect that the owners shall continue to maintain such parking so long as such structure, improvement or use exists. Such covenant shall also recite that the title to and right to use the lots upon which the parking space is to be provided will be subservient to the title to the premises upon which the structure is to be erected or the use maintained and shall warrant that such lots are not and will not be made subject to any other covenant or contract for such use without the prior written consent of the County.

In the event the owners of such structure should thereafter provide parking space equal in area and under the same conditions as to ownership upon the lot or lots other than the premises made subservient in a prior such covenant, the County will, upon written application, accompanied by a filing of a similar covenant, release such original subservient premises from such prior covenant.

06.100 Joint use.

Joint use of parking facilities on the same site may be allowed under the following conditions:

- A. When there is no conflict at time of use;
- B. When there is sufficient parking for all uses at any particular time.

06.110 Minimum requirements.

The following off-street parking requirements shall apply to all buildings, new uses commenced and to any areas of expanded uses commenced after the effective date of this ordinance. For any uses not specifically mentioned herein, the Commission shall determine the number or amount of parking required. All facilities shall be onsite unless specified differently.

TABLE 6.010
PARKING SPACE REQUIREMENTS

Land Use	Number of Parking Spaces Required
Single family residences, duplexes, & multi-family residences	2 spaces per unit (either covered or uncovered), plus 2 spaces for manager's unit. NOTE: In June Lake, single family residences require 3 parking spaces.
Secondary units	2 spaces per unit, in addition to that required for the primary unit. The spaces shall be side by side, not tandem. Tandem parking may be considered if all other requirements are met (see § 16.050 F. Standards for Secondary Housing).
Guest parking for multi-family residences 4-50 units 51-150 units 151+ units	One space per each 6 units or fraction thereof, but not less than 2 spaces. One space per each 8 units or fraction thereof, but not less than 8 spaces. One space per each 10 units or fraction thereof, but not less than 18 spaces.
Mobilehome parks	Two spaces per unit plus one guest space for each ten mobilehome lots or fraction thereof.
Commercial lodging, e.g. motels, hotels, bed & breakfast, rooming & boarding houses	One space per each sleeping room plus one space for each 2 employees on largest shift, plus 2 spaces for manager's unit. One extra space for each unit with kitchen.
Public assembly facilities, e.g. churches, community centers, lodges, theaters, auditoriums, arenas	One space for each 4 seats, but not less than one space for each 100 square feet of floor area of the largest meeting room.
Elementary schools	One and one-half spaces for each classroom and office.
High schools	Two and one-half spaces for each classroom and office.
Hospitals	One space per bed plus one space per doctor, plus one space for each 2 employees on the largest shift.
Social care facilities	One space for each 4 beds or fraction thereof, plus one space for each 2 employees.
Health service facilities, e.g. medical and dental offices	Five spaces for each doctor or doctor's office.

TABLE 6.010 PARKING SPACE REQUIREMENTS--continued

Land Use	Number of Spaces Required
Retail stores, services and offices	One space for each 200 square feet of gross leasable floor area but not less than 2 spaces for each occupancy; may be off-site within 300 feet when approved by the Commission or Director.
Bulk retail sales with a minimum of 7,000 square feet or greater	One space for each 650 square feet of gross leasable floor area or fraction thereof; or one space for each 400 square feet of gross leasable floor area or fraction thereof; may be off-site within 300 feet when approved by the Commission.
Restaurants (fast food)	One space for each 3 seats; plus one space for each 17 square feet of waiting (ordering) area, plus one space for each 40 seats or fraction thereof for fast food restaurants with a drive-up window; plus one space for each 2 employees on the largest shift or 1 space for each 250 square feet of floor area not used for seating or assembly, whichever is larger.
Restaurants, bars, cocktail lounges	One space for each 3 seats, but not less than 1 space for each 100 square feet of floor area where customers are served; plus 1 space for each 250 square feet of floor area not used for seating or assembly, whichever is larger; plus 1 space for each 2 employees on the largest shift
Service stations	Two spaces for each working bay plus 1 space for each employee on the largest shift.
Bowling alleys, billiard halls	Five spaces per lane and/or 2 spaces per table, plus one space for each 2 employees on the largest shift.
Warehousing, wholesale stores	One space for each 1,000 square feet of gross floor area or fraction thereof; may be off-site within 300 feet when approved by the Commission or the Director.
Manufacturing, industrial uses, heavy commercial uses, e.g. lumber yards, cabinet shops, electrical, plumbing and heating shops, bottling plants, distribution centers, storage and warehousing	Minimum of 2 spaces for every 3 employees on the largest shift, but not less than 1 space for each 1,000 square feet of gross floor area; may be provided off-site within 300 feet when approved by the Commission.

TABLE 6.010 PARKING SPACE REQUIREMENTS--continued

Land Use	Number of Spaces Required	
Car wash	One space per bay.	
Shopping centers, malls	A single commercial development project can obtain a reduction of 20% of the number of parking spaces in excess of 200, provided 100 sq.ft. of landscaping, above and beyond other requirements is provided for each parking space reduced. Motels, hotels and combined commercial residential developments are specifically excluded from the described reduction.	
Handicapped parking	Total # of Parking Spaces	Handicapped Spaces Required
	1 - 25	1
	26 - 50	2
1. Handicapped spaces count as a portion of the total number of parking spaces required.	51 - 75	3
	76 - 100	4
	101 - 150	5
2. Not applicable to existing facilities unless occupancy is changed.	151 - 200	6
	201 - 300	7
	301 - 400	8
3. Handicapped spaces shall be provided, designed and signed in conformance with Title 24 of the California Administrative Code.	401 - 500	9
	501 - 1,000	2 percent of total
	1,001 and over	20, plus 1 for each 100 over 1,000

NOTES:

- Density bonuses are available for enclosed, covered parking, including underground or understory parking.
- Fractional parts from 0.5 to 0.9 may be rounded to the next higher number when calculating required spaces.
- "Gross leasable floor area" or "gross floor area" means the total floor area, not counting hall ways, bathrooms or storage/utility

TABLE 6.020

PARKING STANDARDS--STALL SIZE, PAVING, STRIPING

PARKING STALL DIMENSIONS -- minimum requirements	
Covered Parking, Carport	9 feet wide; 20 feet long.
Minimum turning radius	Must have a turning radius of at least 25 feet.
Uncovered Parking	10 feet wide; 20 feet long. Below 7000' elevation, the required dimensions may be reduced to 9 feet by 18 feet. If a finding of necessity can be made for parking spaces accessed directly from a street, the required length of the parking space shall be 33 feet.
Individual Handicapped Spaces	13 feet wide, lined to provide an 8 foot parking space and a 5 foot access aisle; 20 feet long.
Double Handicapped Spaces	21 feet wide, lined to provide two 8 foot parking spaces and one 5 foot access aisle shared between the spaces; 20 feet long.

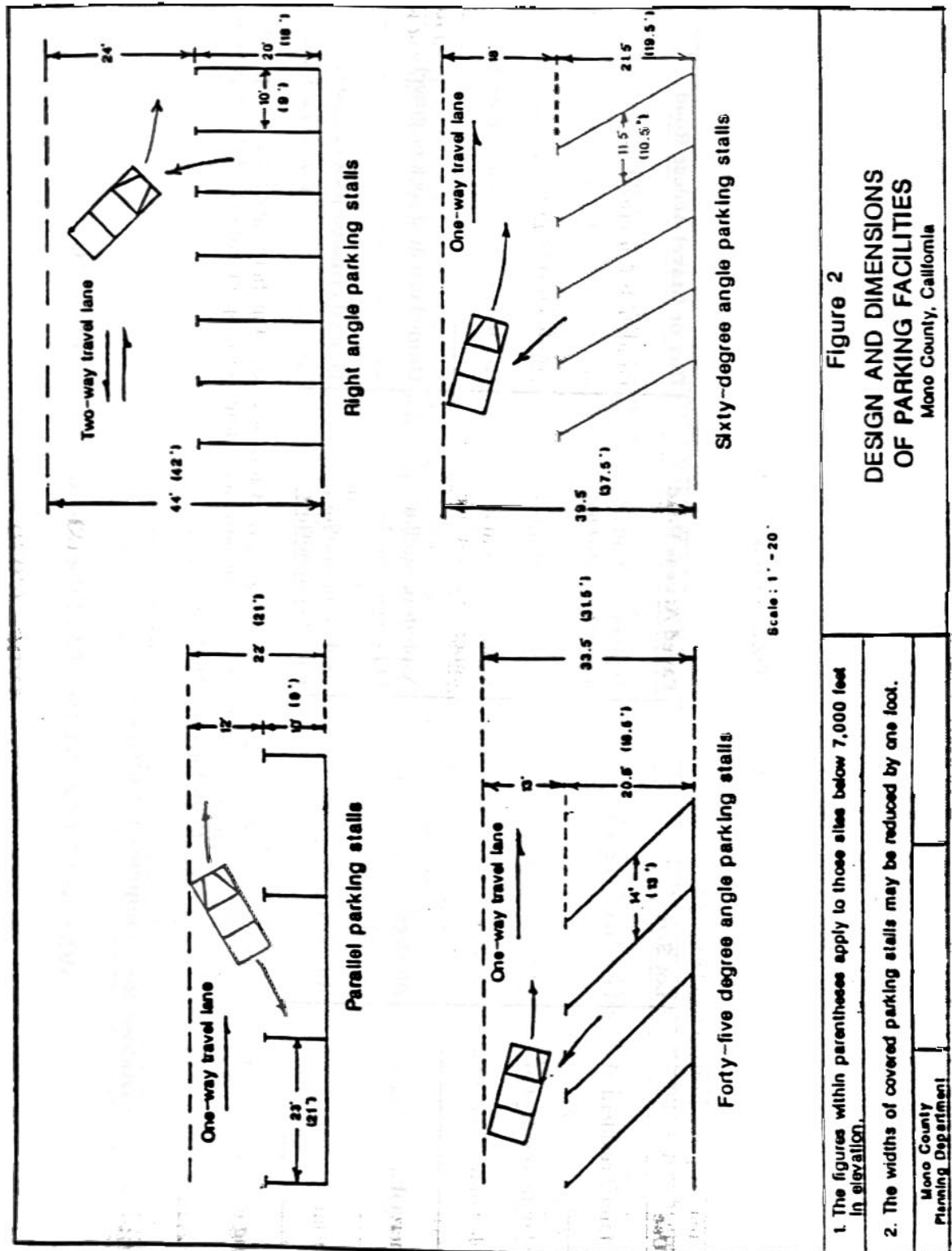
STRIPING REQUIREMENTS
All paved parking spaces shall be striped in accordance with the approved parking layouts shown in Figure 6.020.
All handicapped parking shall be signed with a surface identification symbol and with either a wall-mounted or freestanding sign in accordance with the provisions of Title 24.

PAVING AND DRIVEWAY IMPROVEMENT STANDARDS
All parking and driveway areas shall be paved except as provided for below. In areas 7,200' or greater in elevation, all parking and driveways shall be paved to facilitate snow removal. The Planning Commission or Director may waive, modify, or increase the parking and driveway improvement standards provided below. Driveways shall also comply with applicable provisions of the Fire Safe Standards in Chapter 22 and the County Roadway Standards.

LAND USE ELEMENT

Table 6.020--continued

Land Use	Lot Size	Paved Access Road	Dirt or Gravel Access Road
Single family residential	Less than 1/2 acre	Asphalt or similar impervious surface	Graded dirt or gravel
Single family residential	1/2 acre or more	Graded dirt or gravel	Graded dirt or gravel
Multiple family residential	All sizes	Asphalt or similar impervious surface	Graded crushed rock or gravel
Commercial	All sizes	Asphalt or similar impervious surface	Graded crushed rock or gravel
Industrial	All sizes	Asphalt or similar impervious surface	Graded crushed rock or gravel
Parking lots, car or trailer sales lots		Shall be developed with paving, drainage & striping (lighting & wheel stops as determined by the Commission) according to the specifications of the Departments of Planning and Public Works.	



CHAPTER 07

DEVELOPMENT STANDARDS-SIGNS

Sections:

07.010	Intent.
07.020	Permitted signs.
07.030	Signs subject to director review.
07.040	General provisions.
07.050	Design excellence (optional).
07.060	Prohibitions.
07.070	Nonconforming signs.

07.010 Intent.

It is the intent of this chapter to establish sign standards that will enhance and preserve the unique scenic beauty of Mono County. Thus, aesthetics are the primary objective of the following sections. Signs shall be located to be compatible with their surroundings in terms of size, shape, color, texture and lighting. They should not compete visually with other signs. Because signs are important in providing information to the public, and reducing hazards and confusion to pedestrians and motorists, they should be simple in design and easy to read.

Further, the provisions of applicable area plans will apply if more restrictive regulations are contained therein. For example, a use permit is required for freestanding signs in a scenic highway corridor.

07.020 Permitted signs.

The following signs are permitted (some require a Building Department permit). These regulations, where more restrictive, override the Uniform Sign Code (1985 Edition):

A. Awning or Canopy Sign:

Definition: An awning sign is painted, stenciled, stitched, sewn or stained onto the exterior of an approved awning or canopy. Signs hanging from or attached to a canopy are not permitted under this definition (see Hanging Signs).

Requirements: No awning sign may have less than 8 feet of clearance from the bottom of the awning to the sidewalk. When an awning is the main signage for a business, the flap should be a minimum of 12 inches wide with 8 inch letters so that the sign can be easily read from across the street.

B. Changeable Copy Sign (or Marquee):

Definition: A sign which contains removable letters (or uses electronically changing copy) and provides information that is subject to change. This includes amenities available for motels or resorts, movies at theaters, and current events at an auditorium.

Requirements: Maximum size permitted is 20 square feet. This sign area shall be counted against the overall sign area permitted for any corresponding

monument/freestanding signs or attached/ projecting signs on the subject parcel.

C. Political Signs:

Definition: A sign which indicates or displays the name or picture of an individual seeking election or appointment to a public office or relates to a forthcoming public election or referendum or advocates a person's, group's or party's political views or policies.

Requirements:

1. No political sign shall be posted more than 45 days before the election. All signs shall be removed within 10 days after the election. The maximum sign area shall be 8 square feet.
2. Political signs shall not be erected within 50 feet of any street intersection or at any location where the sign may interfere with, obstruct the view of, or be confused with any authorized traffic sign.
3. Political signs shall not be nailed or affixed to any tree, or public utility pole and shall not be located in the public right-of-way, parkway or publicly-owned land.
4. Political signs which have an adhesive backing shall not be affixed directly to any structure. Such a sign with adhesive backing shall first be affixed to a temporary backing of wood, paper or plastic for support which can be easily removed from its posted location.

D. Real Estate Signs:

Definition: A sign which advertises the sale, rental or lease of property on which it is erected and maintained.

Requirements: A maximum of one sign per parcel is permitted and shall be removed within fifteen days after the close of escrow or close of the rental/lease agreement. The sign must be located entirely within the subject property and shall not be lit. Maximum sign areas and heights shall be permitted as follows:

Parcel Size	Sign Size	Sign Height	Minimum Setback from Edge of Road
10 acres or less	4 sq.ft.	4 ft.	5 ft.
10 acres and larger	12 sq.ft.	8 ft.	20 ft.

E. Projecting Signs:

Definition: A sign which projects outward perpendicularly or at an angle from a wall or building face and is primarily attached to that wall or building face.

Requirements: A projecting sign may not extend more than 3 feet from the wall or building face and not exceed 10 square feet with a minimum clearance of 8 feet from the bottom of the sign to the sidewalk. Additional bonus square footage may be awarded as specified in Section 07.050, Design excellence.

F. Hanging Signs:

Definition: A hanging sign is similar to a projecting sign except that the primary sign face is hanging or suspended from a support bracket which projects outward from the wall or building face. A hanging sign may also hang from an awning.

Requirements: A hanging sign may not extend more than 4 feet from any building or wall face . It shall not exceed 10 square feet with a minimum clearance of 8 feet from the bottom of the sign to the sidewalk. Additional square footage may be awarded as specified in Section 07.050, Design excellence.

G. Residential Identification Sign: The Following residential identification signs are allowed without permit approval:

1. Private individual residence identification signs, limited to the names of the occupants and a total of 2 square feet in size.
2. Multiple Family Projects, limited to one permanent identification sign with a maximum area of 20 square feet, attached to an approved wall or facade. Freestanding or monument signs are subject to Director's Review as specified in this chapter. A total signing program will be required as part of the use permit requirements for any new multiple family residential project of four or more units. Additional square footage may be awarded as specified in Section 07.050, Design excellence.

H. Safety or Required Signs:

1. Signs required for the public safety and convenience shall be permitted in conjunction with permitted business identification signs and shall not be counted against the allowable identification sign area. Safety or required signs shall not exceed 3 square feet in each sign area and may contain any combination of the following words or symbols: "Parking" "Park Here" "Customers Only" "Open," etc., and shall not contain the name of the business.
2. Required signs include those mandated by a federal, state or local agency, and include display of gas prices by retail gasoline distributors. Gasoline price signs shall not exceed more than one set of signs per street frontage. Each line of letters or numbers cannot exceed 6 inches in height, and total sign area may not exceed 24 sq.ft.
3. If the name or logo of the business appears integrated along with any safety or required sign, the total sign area shall be counted against the allowable sign area.

I. Special Events and Holiday Signs:

Banners, signs or decorative materials are permitted in conjunction with a holiday season or an event conducted in accordance with Section 02.1080, Special Events. Such signs and decorative materials are not to be erected more than 30 days preceding the event and shall be removed upon its conclusion. Temporary signs in residentially designated areas shall be limited to garage sales and open house signs, and shall be limited to 3 sq.ft.

J. Window Signs:

Definition: Sign(s) painted on, attached to, designed or placed so as to be read principally through the windows from outside the business.

Requirements: The total of all permanent window signs shall cover no more than 20% of total window area. Temporary sales and special event signs may be displayed over this 20% maximum, but shall be removed immediately upon conclusion of the sale or special event, in no case to exceed 30 days.

K. Building Identification and Directory Plaques:

Definition: A plaque mounted flush to a building to denote the building's identity, tenants or historical information. This sign shall not be counted against the allowable sign area.

Requirements: If the parking lot entrance and the main building entrance front on different streets, there may be one sign at each entrance. The total sign area shall be limited to a maximum size of 8 inches by 48 inches and letters shall not exceed 3 inches.

- L. Flags: Flags or emblems of the USA or the State of California, or emblems of a civic, philanthropic, educational or religious organization, when the same is not used in connection with a commercial promotion or as an advertising device.

07.030 Signs subject to director review.

The following signs are subject to Director Review as specified in Chapter 31:

A. Attached:

Definition: A sign mounted flush and affixed securely to a building wall that project no more than 6 inches from the face of a building wall, and does not extend vertically or horizontally beyond the building.

Requirements:

1. Attached signs may occupy one square foot for each (2) lineal feet of business frontage upon which the sign is located. In intensive commercial and industrial areas (e.g., C, IP and I), the maximum area of any attached sign shall not exceed a 100 square feet, but need not be less than 25 square feet. In rural, agricultural, residential and neighborhood commercial areas, the maximum area of any attached sign shall not exceed 50 square feet, but need not be less than 15 square feet.
2. When two or more separate businesses (," located in separate offices, spaces, or buildings) are located on one parcel, each shall be eligible for at least the minimum square footage (i.e., 15 or 25 sq. ft.).
3. Further, the maximum height of the sign shall be 20 feet or the height of the building, whichever is less. A maximum of two attached signs per occupancy is permitted, but in total combined area cannot exceed the maximum permitted. Additional square footage may be awarded as specified in Section .050, Design excellence.

B. Community and Historical:

Definition: A sign erected by a Chamber of Commerce or similar organization which identifies local communities or points of historical interest.

Requirements: There are no specific square footage or height restrictions. However, such signs shall be visually compatible and shall not compete with the area in which they are placed. The sign may identify a city or unincorporated community and may contain the name, sub-name or slogan of the area, but without other advertising.

- C. Freestanding and Monument Signs: One freestanding or monument permitted for parcels with a minimum of 100 feet of street frontage. Shopping centers with 10 or more shops/offices may have one for each street frontage.

1. Freestanding:

Definition: A sign anchored directly to the ground or primarily supported from the ground rather than a building.

Requirements: The maximum height of the sign shall be 20 feet or the height of the associated building whichever is less. Freestanding signs may occupy one square foot for every 3 lineal feet of street frontage, up to a maximum of 100 square feet. Freestanding signs shall be set back a minimum of 20 feet from the property line. Additional square footage may be awarded as specified in Section 7.050, Design Excellence.

2. Monument:

Definition: A freestanding sign attached continuously at grade.

Requirements: The maximum height of monument signs shall be 8 feet. Monument signs are computed the same as freestanding signs (above), except that the minimum need not be less than 45 square feet and the maximum can not exceed 125 square feet. Additional square footage may be awarded as specified in Section 7.050, Design excellence.

- D. Directional:

Definition: A sign that provides needed directions to remotely located business and scenic, recreation areas such as pack stations, lodges, resorts and lakes.

Requirements: Directional signs will only be approved upon a demonstrated need. It will be limited to the name of the business or area, and direction to its location. Signs cannot exceed 3 square feet.

- E. Informational Kiosks and Freestanding Directory Boards:

The following sign types will be allowed only when submitted as part of a total signing program for a shopping center, community improvement district, etc.:

1. Directory Boards Provides information as to the location of businesses in a pedestrian-oriented business area, not to exceed 3 sq.ft. in area and, if hung, shall not be higher than 6 feet.
2. Kiosks May provide information as to the location of businesses in a pedestrian-oriented business area, as well as a surface for handbills, posters and flyers to be affixed too. The total area of a kiosk display surface is not to exceed 40 sq.ft. or eight feet in height. Kiosks are to be separated from adjacent structures by a minimum of six feet. Kiosks shall be maintained with a neat appearance and out-dated materials shall be removed promptly.

07.040 General Provisions.

The provisions of this Section are applicable to all signs constructed or altered after the effective date of this chapter except as otherwise provided by this chapter. No person except a public officer or employee in the performance of a public duty shall paint, paste, display, construct, erect, alter, use or otherwise maintain any sign except in accordance with the provisions of this chapter.

A. Sign Measurements

1. Area: The area of a sign is to be measured as the number of square feet of the smallest rectangle within which a single sign face can be enclosed, as follows:
 - a. Sign Faces Counted: Where a sign has two faces containing sign copy, which are oriented back-to-back, are separated by not more than 3 feet at any point, and are parallel to each other; the area of the sign is to be measured using the face of the larger sign.
 - b. Wall-mounted letters (Channel letters): Where a sign is composed of letters individually mounted or painted on a building wall, without a border or decorative enclosure; the sign area is that of the smallest single rectangle within which all letters and words can be enclosed.
 - c. V-Shaped Signs: The area of "V" shaped signs shall be calculated the same as if it were a single sign face.
 - d. Sign Monument Signs: Area shall be calculated for that portion of the sign enclosed by the decorative border or frame and shall not include the foundation for the sign (however, the 8-foot height limit does include the foundation).
2. Height The height of a sign shall be measured as the vertical distance from the adjacent grade to the uppermost point on a sign or sign structure.

B. Sign Illumination For those signs to be lit, indirect illumination from a separate light source is required, with the exception of channel letters. Use of neon and internal lighting is prohibited unless integrated with an overall architectural or design theme and is subject to Director's approval. An indirectly illuminated sign is defined as any sign whose illumination is reflected from its source by the sign display surface to the viewer's eye, the source of light not being visible from the street or from abutting property.**C. Sign Copy Changes** Any sign erected in conformance with the provisions of this chapter may be repainted, maintained, and the copy changed as long as there is no increase in existing sign area nor the sign face relocated; otherwise, the sign will be considered as a new sign and shall be subject to all provisions of this chapter. Where the sign is not in conformity with the provisions of the chapter, any change shall be in accordance with the provisions of Section 07.060, Nonconforming Signs.**D. Shopping Centers, Malls, Office Complexes and Multi-family Projects** Any new proposal requiring a use permit and containing more than four (4) residential

units or four (4) shops/offices shall include a total signing program with their use permit application. This signing program shall include total number, size and type of signs proposed, as well as elevations illustrating proposed design and materials to ensure that the signage will be integrated into the project's planning and design.

07.050 Design excellence (optional).

Any sign permitted (except real estate, temporary, safety and political), or permitted by Director review, has the option to apply for additional sign area under the provisions of this section.

Depending upon the quality and design excellence of any new sign, as determined by the Director, additional sign area up to 25 percent over stated maximums may be awarded.

Factors to be considered in the design excellence of any proposed sign include method of construction and material, color, lighting, relationship of the sign to the building, and relationship of the sign to the community. These are described in more detail as follows:

A. Materials and method of construction

Materials and construction style should harmonize with the natural surroundings. Thus, wood and stone are encouraged, along with metal finishes that accent the county's mining past.

Wooden signs can be routed, carved or sand-blasted to get the effect of raised letters. Raised letters can also be attached to a wooden signage band. These can also be metal or precast and molded. Paint can also be directly applied to a flat wooden signage band.

Metal signs can also be used effectively by applying raised letters as described above or on a metal band. Paint and lettering can be applied, although a galvanized or baked enamel finish is required to avoid rusting.

Signage can be painted directly on the facade of a building. The use of tile can also be applied onto the wall surface if stucco walls are used instead of wood.

Use of natural materials and landscaping is an effective way to soften and accent monument and freestanding signs.

B. Colors and Visibility

Colors should relate to and complement the materials or paint scheme of the buildings, including accenting highlights and trim colors. The number of colors on any sign should be limited to three. This heightens readability (visibility); especially when one color is a dark hue, the second a medium hue, and the third a light accent color. These three combine to produce a highly legible sign. Additional colors only compete with one another. Fluorescent colors are not permitted.

C. Relationship of the sign to the building

The location and size of signs on any building should relate to the architecture of that particular structure. The sign should reinforce the existing features of the building by fitting them within other lines and shapes. Flat signs, parallel to

the facade, are excellent because they do not compete with the building. Wall signs should complement one another in color and shape and, if possible, be located in the same position over storefronts. In pedestrian areas signs should be located to be visible to both motorist and pedestrian.

D. Relationship of the sign to the community

Signs should not be out of scale with the street or visually disruptive, and should be visible by both passing motorists and pedestrians. Where feasible, relate new signs to others on the block by aligning them with existing signs or other horizontal elements, such as molding bands above store windows. A sign should complement and reinforce a community's character, creating harmony without uniformity.

07.060 Prohibitions.

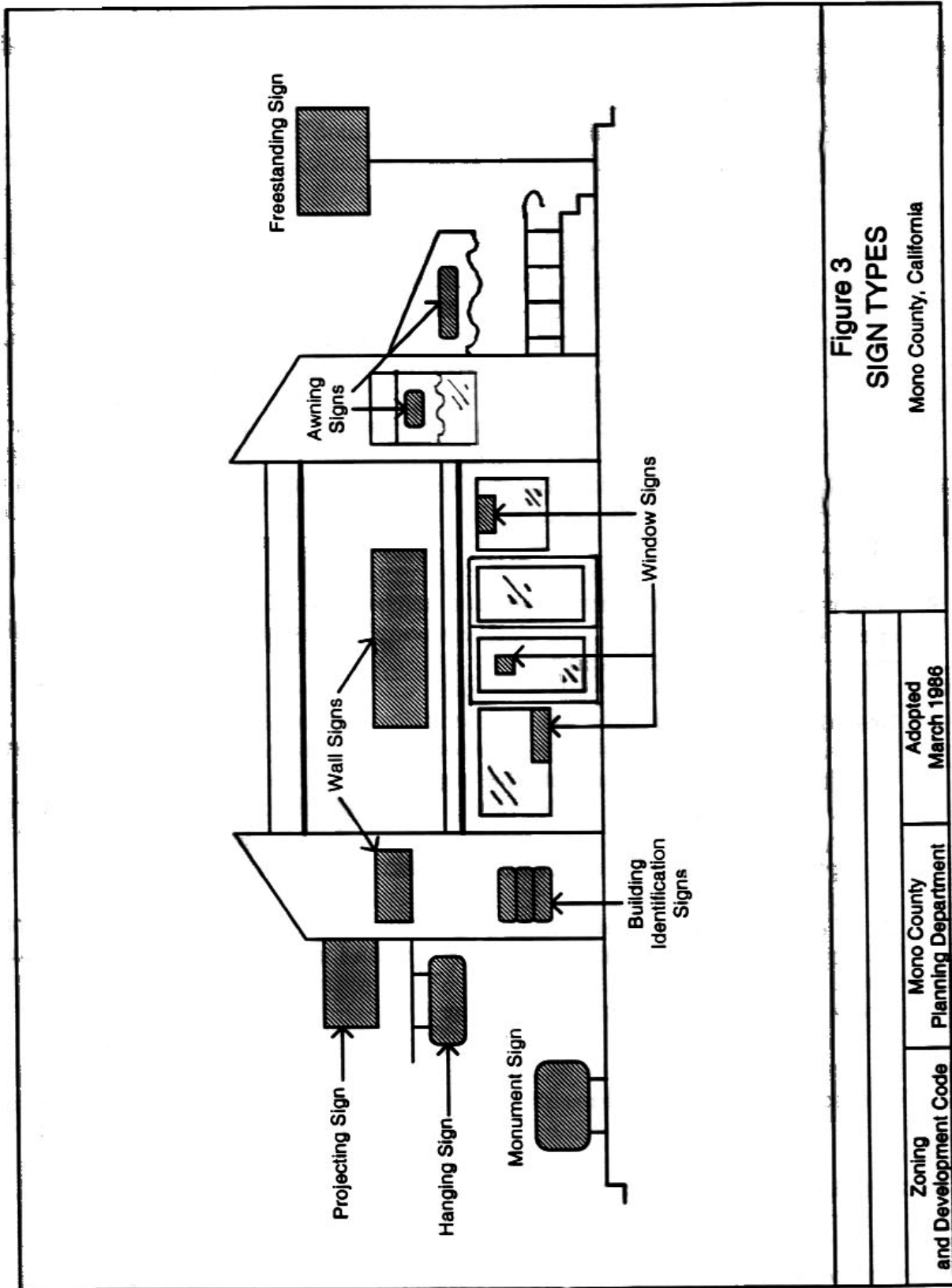
The following signs and sign types are prohibited:

- A. No sign shall exceed 20 feet in height.
- B. Animated signs, such as those which rotate, move, flash, reflect, blink or effect changes in hue or intensity of illumination.
- C. Portable signs, including but not limited to, trailer-mounted marquees and sandwich boards.
- D. Signs which project over any property line or extend more than four (4) ft. from any building or wall except where such signs are an integral part of an approved canopy or awning.
- E. Signs placed above the eave line, except in the case of an A-frame building where no other option is available or where the theme or design of the building warrants such sign as determined by the Director.
- F. Vehicular-mounted freestanding signs.
- G. Off-site advertising signs or billboards.
- H. Signs that advertise a home occupation.
- I. Modification of the location or size of any sign granted under the provisions of Section 07.030, Director's Review. All modifications of such signs shall be reviewed by the Director.
- J. Use of neon or internal lighting unless in conformance with Section 07.040-B, Sign Illumination.
- K. Attachment of signs to utility poles or natural features, including trees and rocks, etc.
- L. Removal or pruning of trees within any public right-of-way to increase the visibility of any sign.
- M. Placement of private advertising or political signs on public property.

07.070 Nonconforming Signs.

Nonconforming signs are those which were in existence at the time of adoption of land development regulations, which do not conform to the provisions of this chapter. Such signs may be continued as follows:

- A. Expansion. A nonconforming sign may not be increased in area or lighting intensity or moved from its location after the effective date of this chapter.
- B. Sign Copy. The advertising copy on a nonconforming sign may be changed except as provided by subsection A, expansion of nonconforming signs, of this section.
- C. Discontinued use. If the use of a building or land associated with a nonconforming sign is discontinued for six months or more, all signs shall thereafter conform to the provisions of this chapter. Where a business operates on a seasonal basis and for which there is an active Mono County business license, the provisions relating to discontinued use will not apply.
- D. If the size or configuration of a lot or building is changed by the subdivision of the property or by alterations, identification signs and outdoor advertising signs on the resulting properties shall be required to conform to the sign regulations applicable to the newly created lot or lots at the time the change becomes effective.
- E. Removal. If a nonconforming sign is removed for any reason other than those specified in subsection C and this section, all subsequent signs must conform to the provisions of this chapter.
- F. Destroyed Signs and Advertising Structures.
 - 1. If a nonconforming sign is destroyed or partially destroyed to the extent of fifty percent or more of the replacement cost of the total sign before destruction by fire, explosion or act of God, the destroyed sign may be replaced or reconstructed; provided that it is brought into conformity with all applicable requirements of this chapter.
 - 2. If a nonconforming sign is partially destroyed to less than fifty percent of its replacement cost, it may be restored to its former nonconforming status.



**Figure 4
SIGN STANDARD SUMMARY**

Sign Type	Maximum Number	Maximum Sign Number	Maximum Height	Level of Dept. Review	Zones Permitted	Other Standards
Awning	1 per street or parking lot frontage	10 square feet	Minimum 8 foot ground clearance	Permitted with building permit	ER, RR, RU, SP, AP C, SC	
Changeable Copy/Marquee	1 per business	20 square feet (counted against maximum allowed for freestanding or attached)	20 feet	Permitted with building permit	C, SC	
Political	Not specified	8 square feet	Not specified	Permitted	All districts	1. Not permitted on public land. 2. Allowed 45 days prior and 10 days after an election. 3. Cannot obstruct motorist's view
Real Estate	1 per parcel	4 square feet on parcel ≤ 10	4 feet	Permitted	All districts	1. Sign must be removed within 15 days of close of escrow.
		12 square feet on parcels > 10 acres	8 feet			
*Projecting or	1 per business (can be doublefaced)	10 square feet	minimum 8 foot ground clearance 20 feet	Permitted with building permit	ER, RR, RU, MFR, SP, C, SC, IP, I	1. May not project more than 3 feet from an wall
*Hanging	1 per business (can be doublefaced)	10 square feet	minimum 8 foot ground clearance 20 feet	Permitted with building permit	ER, RR, RU, MFR, SP, AP, C, SC, IP, I	1. May not project more than 4 feet from an wall.
Window	Not specified	20% of window area	Limited to first floor windows	Permitted	All districts	1. No maximum for sales or special event signs.
Director Plaque	1 per building (2 permitted if main entrance from both street and parking lot)	8" x 48"	Not specified	Permitted	All districts	1. Individual letters limited to 3" in height.
*Attached (wall)	2 per business	a. Up 20 sq. ft. in MFR, RU, SP, AP b. Up to 50 sq. ft. in ER, RR, IP c. Up to 100 sq. ft. in C, SC, I	20 feet	Director review	As specified under sign area	1. Except for multiple family projects in MFR, RU, SP, AP districts, sign area is calculated at 1 square foot for each 2 lineal feet of business frontage. 2. Cannot project more than 6"

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						from building face.
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Figure 4, Page 2

SIGN STANDARD SUMMARY

Sign Type	Maximum Number	Maximum Sign Number	Maximum Height	Level of Dept. Review	Zones Permitted	Other Standards
*Monument or	1 per business (can be doublefaced)	Up to 125 square feet	8 foot from grade	Director review	ER, RR, MFR, SP, AP C, SC, IP, I	1. Required A minimum of 100 feet of street frontage. 2. Sign area is calculated at 1 square foot per each 3 feet of street frontage.
*Freestanding	1 per business (can be doublefaced)	Up to 100 square feet	20 feet	Director review	ER, RR, MFR, SP, AP C, SC, IP, I	1. Required A minimum of 100 feet of street frontage. 2. Sign area is calculated at 1 square foot per each 3 feet of street frontage. 3. Sign shall be set back a minimum of 20 feet from the street.
Directional	1 per business (can be doublefaced)	3 square feet	Not specified	Director review	All districts	1. Must demonstrate need in order to erect.
<p>NOTE: THIS SUMMARY IS FOR INFORMATIONAL PURPOSES ONLY. REFER TO THE APPLICABLE SECTIONS OF CHAPTER 07 FOR DETAILED REQUIREMENTS.</p> <ul style="list-style-type: none"> Eligible for additional square footage under the provisions of the Design Excellence Section 35.050. Noted signs are permitted in these zoning districts only as part of a total signing program (see Sections 07.020 G2 and 07.040 D). 						

CHAPTER 08**DEVELOPMENT STANDARDS–SCENIC COMBINING DISTRICT****Sections:**

08.010	Applicability.
08.020	Establishment of district.
08.030	Standards-General.
08.040	Uses permitted.
08.050	Uses permitted subject to use permit.
08.060	Permit issuance.

08.010 Applicability.

The S-C, scenic combining, district is intended to regulate development activity in scenic areas outside of communities in order to minimize potential visual impacts. Use of the S-C district is encouraged in areas adjacent to and visible from designated scenic highways as well as in other important scenic areas.

08.020 Establishment of district.

The S-C, scenic combining, district may be overlaid on any designation. In addition to the requirements of this chapter, initiation and application of the scenic combining district is subject to the same requirements as a land use redesignation (see Ch. 48, Amendments).

08.030 Standards-General.

Development in the scenic combining district shall be restricted by the following general standards:

- A. Visually offensive land uses shall be adequately screened through the use of extensive site landscaping, fencing, and/or contour grading.
- B. Earthwork, grading and vegetative removals shall be minimized.
- C. All site disturbances shall be revegetated with plants and landscaping which are in harmony with the surrounding environment (drought-resistant indigenous plants are encouraged). A landscaping plan shall be submitted and approved for all projects.
- D. Existing access roads shall be utilized whenever possible. Construction of new access roads, frontage roads or driveways shall be avoided except where essential for health and safety.
- E. The number, type, size, height and design of on-site signs shall be strictly regulated according to the county sign regulations (see Ch. 7).
- F. The design, color and materials for buildings, fences and accessory structures shall be compatible with the natural setting.

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- G. All new utilities shall be installed underground in accordance with Chapter 11, Development Standards–Utilities.
- H. Exterior lighting shall be shielded and indirect and shall be minimized to that necessary for security and safety.

08.040 Uses permitted.

All uses permitted in the basic land use designation with which the scenic combining district is combined shall be permitted.

08.050 Uses permitted subject to use permit.

All uses permitted in the basic land use designation with which the scenic combining district is combined shall be permitted, subject to securing a use permit.

08.060 Permit issuance.

The general standards listed in Section 8.03 shall be applied by the planning department during review of an application. No permit shall be issued until the project complies with the standards for this district.

CHAPTER 09

DEVELOPMENT STANDARDS-DESIGN REVIEW DISTRICT

Sections:

09.010	Applicability
09.020	Establishment of a design review district.
09.030	Design review process.
09.040	Standards-General.
09.050	Uses permitted.
09.050	Uses permitted subject to use permit.
09.060	Permit issuance.
09.050	Appeals.

09.010 Applicability.

This chapter provides for the establishment of design review districts and for design review of commercial structures and multi-family residential development within the district. Single-family residential development may also be reviewed if the ordinance establishing a design review district provides for such review.

09.020 Establishment of a design review district.

In addition to the requirements of this chapter, initiation and application of a design review district is subject to the requirements for a land use redesignation (see Ch. 48, Amendments). A design review district shall be established upon adoption of an ordinance which states the boundaries of the district and the purposes of the district.

9.030 Design review process.

- A. Upon creation of a design review district, the board of supervisors may appoint a design review committee or may designate the planning department as the design review body for the purposes of this chapter. If a design review committee is appointed, the committee shall consist of not less than three nor more than seven members residing within the design review district.
- B. Specific design review standards shall be established for each design review district. These standards shall, at a minimum, comply with the general development standards in Section 9.040. Specific standards for a design review district shall be developed and updated as needed by the planning department in consultation with any local architectural review committee or, if appointed, by the design review committee, in consultation with the planning department and any local architectural review committee. Standards must be adopted by the board of supervisors in a noticed public hearing prior to review of any projects.
- C. Either the planning department or, if appointed, the design review committee, shall review an application for a project or permit to determine whether the proposal is compatible with the established design review standards for the district. In their review, the planning department or the design review committee shall identify unacceptable visual qualities of the proposal and request appropriate changes. Proposals may be recommended for approval by

the design review committee with or without conditions; design review committee recommendations shall be considered by the planning department in the case of building permits or by the reviewing body prior to approval.

- D. If an active local architectural review committee exists to enforce CC&Rs in a subdivision that lies within a design review district, that committee may continue to review all development applications within the subdivision. In such cases, the design review committee or the planning department will coordinate with the architectural review committee to ensure that the proposal also complies with design review district requirements.

9.040 Standards-General.

- A. The overall objective of design review shall be to retain a community's natural topography, vegetation and scenic beauty to the greatest extent possible.
- B. Visually offensive land uses shall be adequately screened through the use of extensive site landscaping, fencing, and/or contour grading.
- C. Earthwork, grading and vegetative removals shall be minimized.
- D. All site disturbances shall be revegetated with plants and landscaping which are in harmony with the surrounding environment (drought resistant indigenous plants are encouraged). A landscaping plan shall be submitted and approved for all projects.
- E. Existing access roads shall be utilized whenever possible. Construction of new access roads, frontage roads or driveways shall be avoided except where essential for health and safety.
- F. The number, type, size, height and design of on-site signs shall be strictly regulated according to the county sign regulations (see Ch. 7, Development Standards–Signs).
- G. The design, color and materials for buildings, fences and accessory structures shall be compatible with the natural setting.
- H. The following architectural designs and features are considered detrimental to the general well-being of a community:
 - 1. Reflective materials;
 - 2. Excessive height and/or bulk;
 - 3. Standardized designs which are utilized to promote specific activities and which are not in harmony with the community atmosphere; and
 - 4. Architectural designs and features which are incongruous to the community and/or which significantly detract from the natural attractiveness of the community or its surroundings.
- I. All new utilities shall be installed underground in accordance with Chapter 11, Development Standards–Utilities.
- J. Exterior lighting shall be shielded and indirect and shall be minimized to that necessary for security and safety.

9.050 Uses permitted.

All uses permitted in the basic land use designation with which the design review district is combined shall be permitted.

9.060 Uses permitted subject to use permit.

All uses permitted in the basic land use designation with which the design review district is combined shall be permitted, subject to securing a use permit.

9.070 Permit issuance.

No permit shall be issued in any case where design review is required until the project complies with the established design review standards for the district.

9.080 Appeals.

Appeals of any design review decision shall be made in conformance with the provisions of Chapter 47, Appeals.

CHAPTER 10

DEVELOPMENT STANDARDS–EQUESTRIAN OVERLAY DISTRICT

Sections:

10.010	Intent.
10.020	Establishment of district.
10.030	Uses permitted.
10.040	Uses permitted subject to use permit.
10.050	Lot area/District area.
10.060	Special requirements.
10.070	Restrictions to use of an E-Overlay District.

10.010 Intent.

The equestrian overlay district is intended to provide for the superimposing of an equestrian district on all land use designations where single-family residences are permitted. The land use designation followed by the letter E (e.g., SFR-E) would indicate an equestrian district overlay providing for the keeping of large domestic animals for personal use subject to the minimum standards set forth in this district.

10.020 Establishment of district.

The equestrian district may be overlaid on any single-family residential district. In addition to the requirements of this chapter, initiation and application of this overlay district is subject to the same requirements as any land use redesignation (see Ch. 48, Amendments).

10.030 Uses permitted.

The following uses shall be permitted in the equestrian overlay district, plus such other uses as the Commission finds to be similar and not more obnoxious or detrimental to the public safety, health and welfare:

- A. All uses permitted in the basic land use designation with which the equestrian district is combined;
- B. Where the principal use of the subject parcel is single-family residential, the keeping of horses or other large domesticated animals for personal use may be permitted. No commercial animal raising or keeping shall be allowed.

10.040 Uses permitted subject to use permit.

All uses permitted in the basic land use designation with which the equestrian overlay district is combined shall be permitted, subject to securing a use permit.

10.050 Lot area/District area.

- A. Minimum lot area.
For the keeping of one horse or other large domesticated animal, fifteen thousand (15,000) square feet. Additional animals may be kept on a larger

parcel, but shall not exceed one animal for each ten thousand (10,000) square feet of land area contained in the parcel.

- B. Minimum district area.
 - 1. Five acres;
 - 2. Any addition to an already established E-Overlay District shall be not less than one acre.

10.060 Special requirements.

- A. Animal confinement areas, including, but not limited to pens and corrals, shall be maintained in accordance with Mono County Health Department requirements. Confinement areas shall be maintained in a clean and orderly manner at all times. Accumulation of animal waste or other odor or insect producing materials shall not be permitted. No part of any animal confinement area shall be located closer than 50 feet to any dwelling with the exception of the animal owner's dwelling in which case the minimum distance may be twenty feet.
- B. Barns, stables and similar necessary buildings in the E overlay district may exceed the height limitations for accessory structures in the base designation, but in no case shall they exceed the heights permitted for primary dwellings in the base designation.

10.070 Restrictions to use of an E-Overlay District.

Any lands within the county which are subject to valid recorded conditions, covenants and restrictions which would prohibit any of the uses permitted in the E overlay district shall not be included in any petition for initiation for the creation of, or the addition to, an E overlay district. Should valid conditions, covenants and restrictions arise, the conditions, covenants and restrictions shall prevail.

CHAPTER 11

DEVELOPMENT STANDARDS-UTILITIES

Sections:

11.010 Placement of Utility Lines.

11.010 Placement of Utility Lines.

A. Exemption for Regulated Public Utilities.

The provisions of this section shall not apply to distribution and transmission lines owned and operated as part of the statewide electrical network regulated by the California Public Utilities Commission (PUC). The authority for this exemption is set forth in the California Constitution, Article XII, Section 8, which vests exclusive regulatory authority over the distribution and transmission lines of these utilities in the California Public Utilities Commission.

B. Uses Permitted.

Underground facilities for the distribution of gas, water, telephone, cable television and electricity shall be allowed in all designations.

C. Definitions.

For the purposes of this section, the following definitions shall apply:

1. **"Individual development"** means an individual development project, such as a single-family residence, a garage, a single commercial use, one apartment building, or similar uses. It does not mean a subdivision, land division, condominium development, or development of more than one detached unit at the same time.
2. **"Overhead utility lines"** means utility distribution lines which are installed above ground, either overhead, in an above ground conduit, or in some other manner.
3. **"Subdivision"** means the division of any unit or units of improved or unimproved land as further defined in Section 02.1520 and the Mono County Subdivision Ordinance.

D. Utility Distribution Lines to Individual Development.

Utility distribution lines to an individual development shall be installed underground, unless the applicant has obtained a Director Review Permit with Notice for overhead installation, in the manner specified in Chapter 31, Director Review Processing. For projects that require a use permit, the application for overhead utility lines shall be processed as part of the use permit application.

Prior to considering issuance of a permit, planning staff shall work with the applicant to site and design the project in a manner that avoids or minimizes the use of overhead lines, and that avoids or minimizes the impacts of overhead lines. Consideration should be given to combining lines whenever possible.

In granting a permit for overhead utility lines, the Planning Director (Director) or the Planning Commission (Commission) shall make one of the following findings, in addition to the required Director Review or Use Permit findings:

1. The overhead line placement will not significantly disrupt the visual character of the area. In making this determination, the Director or the Commission shall consider the following:
 - a. In areas without a number of existing overhead lines in the immediate vicinity, would overhead lines create the potential for a significant cumulative visual impact; i.e., would allowing an overhead line be likely to result in future requests for additional overhead lines in the area? If so, it may be determined that an overhead line will have a significant impact on the visual character of the area.
 - b. Does the topography or vegetation in the area effectively screen the proposed lines? If so, then an additional line may not significantly disrupt the visual character of the area.
 - c. Are there other potential alignments that would have less visual impact?
 - d. Does the project reduce the overall number of overhead lines and poles in the area? If so, it may be determined that an overhead line will not have a significant impact on the visual character of the area.

The Director or the Commission may consider additional information pertaining to the visual character of the area which is deemed relevant to the application.

2. The placement of utility lines above ground is environmentally preferable to underground placement. In making this determination, the Director or the Commission shall consider the following:
 - a. Will underground placement disturb an environmentally sensitive area, including but not limited to the following: cultural resource sites, significant wildlife habitat or use areas, riparian or wetland areas, or shallow groundwater? If so, above ground placement may be preferable.
 - b. Will underground placement require disturbance of a waterway, including perennial, intermittent, and seasonal streams? If so, above ground placement may be preferable.
 - c. Will underground placement increase the utility line's exposure to environmental hazards, such as flood hazards, fault hazards or liquefaction? If so, above ground placement may be preferable.
 - d. Are there other potential alignments that would avoid potential environmental impacts?

The Director or the Commission may consider additional information pertaining to the environmental sensitivity of the area which is deemed relevant to the application.

3. The installation of underground utilities would create an unreasonable financial hardship on the applicant due to the unique physical characteristics of the property. In making this determination, the Director or the Commission shall consider the following:

- a. Is the cost of the line to be installed excessive?
- b. Will the installation of underground utilities require trenching under a stream bed?
- c. Will the installation of underground utilities require unreasonable trenching or blasting through rock?
- d. Are there alternate alignments that would eliminate or significantly lessen the financial hardship?

The Director or the Commission may consider other site specific financial hardships deemed relevant to the application.

4. The exclusive purpose of the overhead line is to serve an agricultural operation.

For the purposes of this section, agricultural operations are defined as use of the land for the production of food and fiber, including the growing of crops and grazing of livestock. Above ground utility lines may be permitted for agricultural uses such as pumps and similar uses.

E. Utility Distribution Lines for Subdivisions.

Utility distribution lines for all subdivisions and land divisions shall be installed underground, unless a specific hardship can be demonstrated (see # 3 above). If a specific hardship can be demonstrated, overhead installation may be allowed subject to approval of a variance (see Ch. 33, Variance Processing).

Subdivisions may be required to underground the feeder distribution line to the subdivision. An assessment district, or a similar mechanism, may be established for this purpose as a condition of the tract map approval.

F. Use Permit.

Other utility (municipal, private, and if applicable, public utilities not regulated by the PUC) distribution lines, transmission lines and corridors, towers, electrical substations, repeater stations, pumping stations, and uses accessory thereto, including microwave facilities, may be allowed in all districts subject to first securing a use permit, in the manner specified in Chapter 32, Use Permit Processing.

G. Exceptions.

In the event that any regulations of the Public Utilities Commission or any other agency of the State with jurisdiction over utilities conflicts with the provisions of land use designations and the land development regulations, the regulations of the State shall apply, to the extent that the same are conflicting.

H. Locational Requirements.

Whether or not a utility is subject to any permitting requirements as delineated in subsections A-G, above, all new utility distribution lines, transmission lines,

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corridors, rights-of-way, towers, electrical substations, repeater stations, pumping stations, and uses accessory thereto, including microwave facilities, shall comply with the policies of this General Plan and applicable area or specific plans.

Chapter 15

DEVELOPMENT STANDARDS-RESOURCE EXTRACTION DESIGNATION

Sections:

15.010	Purpose and Intent.
15.020	Applicability.
15.030	Criteria for Applying the "RE" Designation.
15.040	Use Permit Requirements.
15.050	Phasing Requirements.
15.060	Amendments.
15.070	Development Standards.
15.080	Reclamation Requirements.
15.090	Financial Assurances.
15.100	Inspections.
15.110	Administration.
15.120	Enforcement.

15.010 Purpose and Intent.

The intent of the Resource Extraction (RE) Designation is to evaluate and, if appropriate, permit resource extraction projects in a manner that is consistent with the provisions of this General Plan, applicable area plans, and applicable state and federal laws, such as the Surface Mining and Reclamation Act of 1975 (SMARA). The Resource Extraction (RE) Designation has been established to protect the environment and allow for the conditional development of on-site resources, including but not limited to, mineral resources, geothermal resources, wind and solar energy resources, hydropower resources, and timber resources.

15.020 Applicability.

The Resource Extraction (RE) Designation may be applied only to areas with existing or proposed resource development activities. The establishment of Resource Extraction (RE) designations is also intended to encourage and facilitate public awareness concerning the potential for resource and energy related extraction activities in areas where significant resource deposits or energy related resources have been identified.

In compliance with General Plan policies, mining operations, geothermal operations, small-scale hydroelectric generation facilities, wind and solar energy generation facilities and similar resource extraction activities may be permitted only in areas designated Resource Management and designated Resource Extraction. Within those areas, all resource development projects shall comply with the provisions of this chapter.

15.030 Criteria for Applying the "RE" Designation.

In applying the "RE" designation to a specific site, one or more of the following criteria must be demonstrated to the satisfaction of the County:

- A. An active resource development project currently exists on the subject lands.

- B. The project qualifies under the "vesting" provisions as specified in the California Surface Mining and Reclamation Act (SMARA).
- C. It has been reasonably determined to the satisfaction of the County that potentially significant resources exist on the lands under consideration. This determination may be based on reports filed by a registered professional acceptable to the county, and funded by the applicant, or in the case of surface mining operations, on mineral land classification reports filed in conjunction with SMARA.
- D. In areas with conflicting resource values, it has been reasonably determined to the satisfaction of the County that the proposed resource development activity, and therefore the proposed "RE" designation, is the highest and best use of the land, and is in full compliance with the General Plan.

15.040 Use Permit Requirements.

- A. Filing:
 - 1. Submittal: An application for a use permit shall be accompanied by the appropriate filing fee and shall be submitted to the Planning Department or Energy Management Department on forms provided by the applicable department. Applications must be complete
 - 2. Acceptance: An application for a use permit shall not be deemed complete or accepted for filing and the processing time limits shall not begin to run until the Planning or Energy Management Department accepts the application as complete.
- B. Procedure:
 - 1. Use Permit Processing: Within thirty (30) days after receipt of a resource use permit application, the Department shall review the application and shall notify the applicant or his designated representative, in writing, concerning any application deficiencies.
 - a. Applications shall be deemed complete, unless the applicant or his designated representative has been notified in writing that the application is incomplete prior to the expiration of the thirty (30) day review period. Acceptance of the application as complete shall not constitute an indication of project approval.
 - b. Complete applications shall be processed in accordance with the provisions of Chapter 19.38, Use Permits, and for surface mining operations, with the applicable provisions of SMARA.
 - 2. Non-Use of Permit: In conformance with Chapter 19.38, Use Permits, failure to commence diligent resource development activities within one (1) year subsequent to permit issuance, or within the period determined by the planning commission, shall render the use permit null and void. Documentation that the operator has made every attempt to secure required permits at the state or federal level but that, despite due diligence, the permits have not yet been issued may serve to stay this requirement.

C. Environmental Compliance:

Permits shall be processed in accordance with CEQA, the Mono County Environmental Handbook and General Plan policies. Common environmental documentation may be used for the exploratory and development permit stages of a project when consistent with CEQA.

Permits shall contain conditions which assure compliance with CEQA and with applicable laws and regulations of Mono County and other agencies with jurisdiction.

D. Monitoring:

In accordance with General Plan policies and CEQA requirements, when applicable, permits shall contain conditions for ongoing monitoring of operations. The Conservation/Open Space Element contains monitoring requirements for geothermal development, mineral resource development, and timber development.

15.050 Project Development–Phasing Requirements.

In compliance with General Plan policies, geothermal projects shall be developed in a phased manner. In addition to the phasing requirements listed below, energy resource extraction projects shall comply with all phasing requirements in this General Plan (Conservation/Open Space Element, Energy Resource Policies).

A. Phasing of Geothermal Projects.

Geothermal development shall be subject to the following phased permitting process:

1. The "Geothermal Exploration Permit" shall regulate geothermal exploration and reservoir characterization activities. The primary purpose of the exploratory phase is to determine hydrologic, geologic and other relevant characteristics of the geothermal resource being considered for development. During the exploratory phase, the permittee shall develop sufficient data, to the satisfaction of the County, to determine whether there is a geothermal resource adequate to sustain the proposed development project.
2. The "Geothermal Development Permit" shall regulate geothermal development, operations, termination of operations, site reclamation, and reserve monitoring. The purpose of the development phase is to regulate all geothermal development, including the siting and construction of facilities, conditions of operation, maintenance of roads and equipment, and to assure the protection of the environment.

B. Phasing of Other Resource Development Activities.

Other resource development activities may be subject to a phased permitting process, depending on the nature of the resource and its development.

15.060 Amendments.

A. Minor Amendments to an Approved Resource Development Permit.

1. Minor amendment: Minor changes to an approved resource development permit may be approved by the Planning Department Director or the Energy Management Director in accordance with the following provisions.

2. Processing: Requests for approval of a minor amendment shall be submitted on forms provided by the Planning Department or Energy Management Department, along with the applicable fees. Within thirty (30) days of receipt of such a request, the appropriate Director shall determine whether or not the application should be considered a minor amendment. The Director shall approve or deny the request and notify the applicant in writing within ten (10) days of his decision. The decision of the Director as to whether or not the request should be approved or denied shall be final, unless an appeal is filed. If it is determined that the request is not a minor amendment, the request may be processed as a major amendment.
 3. Requests for a minor amendment may be approved only if the Director is able to make all of the following findings:
 - a. That the proposed change involves only minor changes in the siting or operations of the project and will not affect the basic character or implementation of the permit.
 - b. No substantial adverse environmental damage, either on-site or off-site, will result from the proposed change and the proposed change is consistent with adopted environmental determinations.
 - c. That the proposed change will not be detrimental to the public health, safety and welfare and is compatible with the objectives and policies of this General Plan and applicable specific plans.
- B. Major Amendments to an Approved Resource Development Use Permit.
1. Major amendment: Major amendments to approved resource development use permits may be approved by the Planning Commission subject to the following provisions.
 2. Processing: Applications for proposed amendments shall be submitted on forms provided by the Planning Department or Energy Management Department and shall include such data as may be required to complete an environmental assessment. Applications shall include the required filing fee, and shall be noticed and scheduled for public hearing before the Planning Commission in the same manner as the original permit submittal.
 3. Amendments may be approved by the Planning Commission only if all of the following findings can be made:
 - a. The proposed amendments are necessary or desirable to assure a more practical recovery of the resource or to avoid multiple future disturbances of surface land or waters.
 - b. No substantial adverse environmental damage, either on-site or off-site, will result from the proposed change and that the proposed change is consistent with adopted environmental determinations.
 - c. The security required to be filed by the applicant with the County is adequate or additional security has been filed to guarantee compliance with the revised permit.

- d. The permit, as amended, will continue to meet the requirements of this chapter and will be conducted in conformity with all applicable laws, ordinances, and regulations of all agencies with jurisdiction over the resource development project.
- e. The approval of the amendment will not be detrimental to the public health, safety, or welfare and is compatible with the objectives and policies of this General Plan, and applicable specific plans, the land use designation and approved end use of the site.

15.070 Development Standards.

The following minimum development standards shall apply to all projects in the Resource Extraction Designation unless amended through the "Specific Plan" process. Other standards or conditions identified during the use permit process may also apply.

A. Lot Size and District Area.

The minimum lot size and district area shall be forty (40) acres or a quarter, quarter section, with the exception of patent and/or historical mining claims and "vested operations" which shall be considered on a case by case basis. Minimum lot size and district area may be reduced in conformance with the "Development Plan" or "Specific Plan" process.

B. Setbacks.

- 1. No processing equipment or facilities shall be located and no resource development shall occur within the following minimum horizontal setbacks:
 - a. One hundred (100) feet from any interior public street or highway unless the Public Works Director determines that a lesser distance would be acceptable.
 - b. One hundred (100) feet from any exterior property line.
 - c. Five hundred (500) feet from any adjacent private dwelling, institution, school, or other building or location used for public assemblage.
 - d. No geothermal development located within the Hot Creek Buffer Zone shall occur within five hundred (500) feet on either side of a surface watercourse (as indicated by a solid or broken blue line on U.S. Geological Survey 7.5 or 15-minute series topographic maps).
- 2. No residential uses shall be located with the following minimum horizontal setbacks:
 - a. Fifty (50) feet from any interior public street or highway unless the Public Works Director determines that a lesser distance would be acceptable.
 - b. Fifty (50) feet from any exterior property line.

C. Visual Impacts.

- 1. Siting.

All resource development projects shall be sited, designed and operated to minimize impacts to the surrounding visual environment, in conformance with applicable provisions of this General Plan and the Mono County Code.

The Conservation/Open Element contains policies relating to the siting of various types of energy resource projects.

2. Screening.

Screening shall be required for uses which are contiguous to any residential or commercial district or use, for uses in scenic highway corridors or important visual areas, and for uses with an identified significant visual impact. Screening may be achieved through the use of siting, landscaping, fencing, contour grading, constructed berms and/or other appropriate measures. If landscaping is chosen as a method of screening, a landscape plan shall be submitted as part of the use permit application (see 15.59, Landscape Plan Requirements).

3. Lighting.

Exterior lighting shall be shielded and indirect and shall be minimized to that necessary for security and safety.

4. Materials and Colors.

Materials for structures, fences, etc. should harmonize with the natural surroundings, whenever possible. Materials should be non-reflective or should be painted with a matte finish. Colors for structures, fences, etc. should blend into the natural surroundings.

D. Erosion and Sediment Control.

1. Siting.

All resource development projects shall be sited, designed and operated to minimize erosion and sediment transport, in conformance with applicable provisions of this General Plan, the Mono County Code, and applicable state and federal regulations. The Conservation/Open Element, Energy Resource section, contains policies relating to the siting of various types of energy resource projects.

Siting should minimize impacts to the natural landscape. Project design should encourage the joint use of facilities whenever possible in order to minimize disturbance to the natural environment. Access and construction roads should be located so that natural features are preserved and erosion is minimized.

2. Site Disturbance.

Earthwork, grading, and vegetative removal shall be minimized. Existing access roads shall be utilized whenever possible. Construction of new access roads, frontage roads, or driveways shall be avoided except where essential for health and safety. Earthwork and grading shall be performed in accordance with the County's Grading Ordinance.

3. Revegetation.

Site disturbances shall be revegetated in conformance with the Reclamation Plan developed pursuant to the County's Reclamation Ordinance.

4. Drainage.

Drainage facilities shall be constructed and maintained in accordance with the County's Grading Ordinance and with any applicable requirements of the Lahontan Regional Water Quality Control Board pertaining to waste discharge.

E. Cultural Resources.

The applicant shall stop work and notify appropriate agencies and officials if archaeological evidence is encountered during construction or operations. No disturbance of an archaeological site shall be permitted until such time as the applicant hires a qualified consultant and an appropriate report is filed with the County Planning Department which identifies acceptable site mitigation measures, which shall then become conditions of the use permit and the reclamation plan (if applicable).

F. Noise.

All resource development projects shall be sited, designed and operated to minimize noise impacts to the surrounding environment, in conformance with applicable provisions of this General Plan (Noise Element) and the Mono County Code (Noise Ordinance).

G. Air Quality.

All resource development projects shall be designed and operated in compliance with all requirements of the Great Basin Unified Air Pollution Control District and applicable provisions of this General Plan.

H. Safety, including Hazardous Materials and Hazardous Waste.

All projects shall comply with applicable safety standards. Hazardous waste shall be maintained in conformance with the Mono County General Plan (Hazardous Waste Management Element) and the Mono County Integrated Waste Management Plan.

15.080 Reclamation Requirements.

Standards and procedures for the reclamation of resource development activities in Mono County are contained in the county's Reclamation Ordinance (Ch. 35 of the land development regulations). All resource development projects must comply with the Reclamation Ordinance. Reclamation plans must be submitted as part of the use permit application.

15.090 Financial Assurances.

Financial assurance requirements for the reclamation of resource development activities in Mono County are contained in the County's Reclamation Ordinance (Ch. 35 of the land development regulations). All resource development projects must comply with the financial assurance requirement.

15.100 Inspections.

A. Requirements.

The use permit shall establish an inspection schedule for compliance with use permit conditions. Inspections shall occur at least once a year, but may occur more often depending on the nature of the project. The inspection schedule may change over the lifetime of the project. The annual inspection for mining operations shall coincide with the annual inspection required by SMARA.

The County's Reclamation Ordinance establishes an inspection schedule for reclamation plans. The required inspections for compliance with use permit conditions and reclamation plan requirements should coincide.

B. Procedure:

The operator shall file a request for annual inspection with the County Compliance Officer at least once in each calendar year. Requests for annual inspections shall be accompanied by the appropriate filing fee.

The Compliance Officer shall inspect or cause to be inspected the site within thirty (30) working days of receipt of the application for inspection and the filing fee. Unless otherwise agreed, failure to inspect within thirty (30) working days shall be deemed a finding that the resource development operation is in compliance with its use permit.

15.110 Administration.

A. Appeals:

Appeals of any decision resulting from the requirements of this chapter may be made in conformance with the provisions of Chapter 19.42, Appeals.

B. Fees:

Fees required in conjunction with the provisions of this chapter shall be established from time to time by the Board of Supervisors.

15.120 Enforcement.

A. Enforcement:

The provisions of this chapter shall be enforced by the Energy Management Department, the Planning Department, and/or the County Compliance Officer or such other persons as may be designated by the Board of Supervisors. Enforcement of the provisions contained in this chapter shall be in accordance with applicable provisions of the Mono County Code.

B. Right of Entry:

Whenever it becomes necessary to inspect resource development activities as provided in this chapter or to investigate complaints associated with resource development activities or to monitor conditions of approval as may be imposed on resource development activities, reasonable access to the project site shall be afforded by the operator in conformance with Chapter 1.08 of the Mono County Code. Authorized representatives of the County, upon presentation of appropriate credentials, shall have access to the site without advance notice.

CHAPTER 16

DEVELOPMENT STANDARDS—SECONDARY HOUSING

Sections:

16.010	Intent.
16.020	Definition.
16.030	Applicable Land Use Designations.
16.040	General Provisions.
16.050	Standards of New Secondary Residential Units.
16.060	Conversion of Use.

16.010 Intent.

The intent of this chapter is to allow for the expansion of the affordable housing stock and to provide housing opportunities for the elderly in Mono County.

16.020 Definition.

"Secondary housing" (also referred to as "dependent" or "granny housing") means residential occupancy of a living unit located on the same parcel as the principal unit. It provides complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the primary unit is situated.

It can be either attached or detached from the primary or existing residential unit depending on the lot or parcel size. If attached, it shall be clearly subordinate to the primary unit.

16.030 Applicable Land Use Designations.

A secondary housing unit may only be permitted in the following land use designations provided a director review permit is first obtained: AG, ER, RR, SFR, RU & RM.

16.040 General Provisions.

- A. No secondary housing units will be permitted on parcels of less than 7,500 square feet.
- B. On parcels of 7,500 to 10,000 square feet in net area, an existing single-family residential unit may be altered or expanded to include an attached second residential unit not to exceed 400 square feet.
- C. On parcels of 10,000 square feet to one (1) acre in net area, an existing single-family residential unit may be altered or expanded to include an attached second residential unit not to exceed 640 square feet in area.
- D. Detached second residential units shall be permitted on parcels over one (1) acre in net area. Further, mobile homes may be used as the second unit (regardless of whether the primary unit is stick- built or mobile home) in ER, RR, and RMH.

16.050 Standards for New Secondary Housing Units.

- A. Any construction shall conform to the height, setback, lot coverage fees (including school impact fees), snow storage, and other development requirements generally applicable to residential construction in the land use designation in which the property is located.
- B. Any construction shall not overburden existing utility lines or connections (water, sewer) and a letter from the serving entity to that effect shall be obtained. If well and septic are to be utilized, a clearance letter shall be obtained from the County Health officer prior to Planning Department approval. In addition, the unit shall be so constructed so as not to hamper fire fighting capabilities.
- C. The parcel must contain an existing owner-occupied single-family detached unit. As part of the filing requirements for a second unit, the owner shall sign a declaration stating his intent to continue occupying the primary residence. Failure of the owner to maintain occupancy of the main unit shall be grounds for revocation of the use permit approving the secondary housing unit. Further, this declaration shall include wording that the owner shall not permit any transient rentals (i.e., of 30 days or less) of the proposed secondary housing unit.
- D. As part of the initial filing for a use permit for a secondary housing unit, the owner shall provide any C, C, & R's (covenants, conditions, and restrictions) or deed restrictions attached to the subject parcel. This will assure the Planning Department that the proposed unit does not violate any private building or deed restrictions.
- E. Building Code requirements which apply to existing single-family dwellings or detached living units, as appropriate, shall be adhered to.
- F. At least two (2) off-street parking spaces must be provided for the secondary unit (paving may be required per the provisions of Chapter 6, Parking), in addition to that required for the primary unit. These spaces (covered or uncovered) shall be side-by-side; not tandem. However, if all other provisions of this chapter can be met, with the only exception being side-by-side parking; consideration will be given for tandem parking. This exception shall be considered on the merits of the individual application and may be denied at the discretion of the Commission.
- G. Whether attached or detached, the second housing unit shall be architecturally compatible with the primary residence. In addition, if the second unit is attached, it shall be clearly subordinate to the primary residence, and the two (2) units shall retain the appearance of a single-family residence. Any new entrances shall be located on the side or rear of the building.
- H. The secondary unit shall conform to any other conditions or standards which in the judgment of the Planning Commission, or other designated body or official are necessary to mitigate possible adverse impacts on the neighborhood.
- I. Placement or construction of a detached secondary housing unit shall not, at any time, be a basis for approving a future division of a parcel, regardless of its location or size.

16.060 Conversion of Use.

- A. Any special conditions, variance, or waiver of land development regulations, building, parking or other standards approved for a secondary unit shall not apply to conversion of a secondary unit to another use; or
- B. Any conversion of a secondary housing unit to any use other than space for conducting a home occupation, inside storage or recreation area is prohibited.

CHAPTER 17

DEVELOPMENT STANDARDS—MOBILE-HOME PARKS AND RECREATIONAL-VEHICLE PARKS

Sections:

17.010	Requirements generally.
17.020	Lot area and lot width.
17.030	Density.
17.040	Existing mobile-home parks and recreational-vehicle parks.
17.050	Streets.
17.060	Garbage collection area.
17.070	Fences, landscaping and screening.
17.080	Access.
17.090	Yards.
17.100	Signs.

17.010 Requirements generally.

The standards contained in this chapter shall apply to the development of all mobile home parks and recreational-vehicle parks in all designations. Refer to definitions 02.790 and 02.970 for the definition of mobile home and recreational vehicle.

17.020 Lot area and lot width.

- A. The minimum lot area in all designations shall be as follows but may be more restrictive in any applicable area general plan:
Mobile-home parks, five acres;
Recreational-vehicle parks, two acres.
- B. The minimum lot width in all designations shall be:
Mobile-home parks, two hundred fifty (250) feet;
Recreational-vehicle parks, one hundred (100) feet.

17.030 Density.

The maximum density permitted in all districts shall be as follows, but may be more restrictive in any area general plan:

- A. Mobile-home parks, not more than ten (10) mobile-home spaces for each one acre of land area;
- B. Recreational-vehicle parks, not more than seventeen (17) recreational-vehicle spaces for each one acre of land.

17.040 Existing mobile-home parks and recreational-vehicle parks.

The following standards shall apply to all existing mobile-home parks and recreational-vehicle parks which were legally established prior to adoption of the land use designations and land development regulations.

LAND USE ELEMENT

A. Lot Area and Width.

1. Any existing mobile-home park or recreational-vehicle park legally established prior to adoption of the land development regulations and which has a lot area or lot dimensions of less than prescribed by the designation in which it is situated is deemed a nonconforming lot and shall be permitted to continue the mobile-home park use. A mobile-home park on a nonconforming lot may, upon securing a use permit, expand to utilize the entire nonconforming parcel.

B. Mixed Uses - Nonconforming lots.

1. Subject to securing a use permit, a portion of a mobile-home park may be designated for use by recreational-vehicle spaces.
2. Subject to securing a use permit, a portion of a recreational-vehicle park may be converted for use by mobile-home spaces subject to the following criteria:
 - a. Any percent of the lot area may be converted to mobile-home uses; however, mobile-home areas shall be distinct from areas designated for recreational vehicles (i.e., separated by a road, fence or landscaped buffer).
 - b. When converting recreational-vehicle spaces for mobile-home occupation, the converted space shall comply with all minimum yard requirements in Section 17.090.
 - c. All mobile-home spaces so created shall meet all state and County requirements for mobile-home installation.

17.050 Streets.

The following street width standards shall apply to all internal streets for new parks or additions to existing parks. In those portions of the county which lie at an elevation of seven thousand (7,000) feet and above, internal streets shall be widened an additional five (5) feet over allowable minimums to facilitate snow removal.

A. Recreational-vehicle Parks.

1. One Way: 15 feet. One way streets shall be permitted only when individual recreational-vehicle sites are designed so that the vehicle can pull out (not back out) into the correct one way direction.
2. Two Way: 25 feet.
3. Parking: Parking along internal roadways is allowed only when a paved or graveled parking lane eight (8) feet wide is provided in addition to the roadway.

B. Mobile-home Parks.

1. Two Way: 25 feet.
2. Parking on one side of the street: 33 feet.
3. Parking on both sides of the street: 41 feet.

17.060 Garbage collection area.

All trash and garbage collection areas shall be surrounded on at least three sides by a solid fence not less than five (5) feet in height.

17.070 Fences, landscaping and screening.

Upon a finding by the Planning Commission during the use permit process that a mobile-home park or recreational-vehicle park will have a detrimental impact upon surrounding properties, the Commission may determine that a solid fence of not less than six (6) feet in height shall be placed and maintained on all side and rear property lines to mitigate the impact upon adjoining properties. Alternately, a combination of landscaping, screening or fencing may also be deemed appropriate.

17.080 Access.

All mobile home- and recreational-vehicle park spaces shall be served by internal streets within the development. There shall be no direct access from a mobile home- or recreational-vehicle space to a public street or road. All points of vehicular access to or from a public street or road shall be approved by the Department of Public Works.

17.090 Yards.

- A. Yards from property boundaries.
 - 1. Front yard. A minimum of twenty (20) feet front yard.
 - 2. Rear yard. A minimum of ten (10) feet rear yard.
 - 3. Side yard. A minimum of five (5) feet side yard.
- B. Yards from individual space boundaries.
 - 1. No mobile home shall have a front yard setback of less than ten (10) feet from an interior street.
 - 2. No mobile home shall have a side yard of less than five (5) feet along the entire length of the unit, and not less than three (3) feet from any convenience structure or awning.
 - 3. No mobile home shall have a rear yard of less than ten (10) feet.

17.100 Signs.

- A. Not more than one sign shall be permitted at each entrance to a mobile-home park or recreational-vehicle park.
- B. The signs shall not exceed (32) thirty-two square feet in area, and shall not exceed six (6) feet in height.
- C. Signs shall not be blinking, flashing, rotating or animated. Lights used to illuminate on the sign and to minimize glare on any public street or adjacent property.

LAND USE ELEMENT

- D. Each sign shall be placed adjacent to, but not closer than ten feet to, the entrance from any public street or road serving the mobile-home park or recreational-vehicle park.

CHAPTER 18

DEVELOPMENT STANDARDS-MANUFACTURED HOUSING SUBDIVISION

Sections:

18.010	Purpose and intent.
18.020	Designations in which permitted.
18.030	Density.
18.040	Lot area/District area & width.
18.050	Special requirements.
18.060	Lot dimensions.
18.070	Yards.
18.080	Lot coverage.
18.090	Fences, screening and landscaping.
18.100	Access.
18.110	Accessory uses and structures permitted.
18.120	Undergrounding.
18.130	Subdivision of existing mobile-home parks, additional requirements.

18.010 Purpose and intent.

Since, historically, manufactured housing tends to be less expensive than conventional housing, it is the purpose and intent of this chapter to facilitate lower cost housing opportunities by providing affordable housing sites to be utilized exclusively for manufactured housing purposes.

18.020 Designations in which permitted.

Manufactured housing subdivisions may be allowed, subject to a Use Permit, and Tract Map application in the following land use designations: MFR-H, ER and RR.

18.030 Density.

The maximum density permitted in all designations shall not be more than eight (8) manufactured housing lots designed for a single home for each one acre of land. The provisions of Chapter 4.3 of the California Government Code, Sections 65915 et seq., are included in this maximum density. The Government Code allows a density bonus of twenty-five percent (i.e., an additional two units per acre) when at least twenty-five percent of the total units of a housing development are constructed for low or moderate income households as defined by Section 50093 of the Health and Safety Code.

18.040 Lot area/District area & width.

The minimum lot area for each manufactured home shall be four thousand (4000) square feet.

The minimum area requirements for a manufactured housing subdivision shall not be less than five acres; minimum lot width for the subdivision shall not be less than two hundred fifty (250) feet.

18.050 Special requirements.

All applications for a building/mobile-home installation permit within a manufactured housing subdivision shall also be accompanied by:

- A. A plot plan showing the proposed access, parking, setback from property lines and location of the unit on the parcel;
- B. Evidence that the manufactured home bears a seal of the U.S. Department of Housing and Urban Development, or the California Department of Housing and Community Development certifying that their manufactured housing construction standards have been met;
- C. Elevations showing roof slopes, roof materials and exterior siding materials;
- D. The wind, seismic and snow loading design;
- E. Responsible entity. As a condition to approval of a manufactured housing subdivision pursuant to this chapter, the subdivider shall establish a legal entity, such as a homeowner's association, which shall have the responsibility and duty to maintain all common areas, including streets, snow removal, greenbelts, landscaping and common facilities such as lights and private water and sewer systems, as set forth in the applicable declaration of covenants, conditions and restrictions.
- F. Open area. Recreation or open space shall be provided for each manufactured housing subdivision, the area of which shall be not less than one thousand (1000) square feet plus an additional one hundred fifty (150) square feet for each manufactured housing lot over eight. This open space may be in more than one location, but no location shall contain less than one thousand (1000) square feet. Each recreational or open space shall be accessible to all of the manufactured housing lots in the facility and shall not be used for any other purpose.

18.060 Lot dimensions.

The minimum lot dimensions for each manufactured home shall be as follows:

- A. Width, fifty (50) feet;
- B. Depth, eighty (80) feet.

18.070 Yards.

- A. Front yards. Each manufactured housing lot shall have a front yard setback of not less than ten (10) feet extending the entire width of the manufactured housing lot. A front yard will be measured from the nearest element of the manufactured housing unit, or any accessory structure, to the closest edge of the interior access drive.
- B. Side yards. Each manufactured housing lot shall have a side yard of not less than five (5) feet in width along the entire length of the manufactured housing unit, and not less than three (3) feet in width from the property line to any convenience structure or awning.

- C. Corner lots. The side yard abutting the street shall be not less than ten (10) feet along the entire length of the manufactured housing unit, and not less than five (5) feet from the property line to any convenience structure or awning.
- D. Rear yards. Each manufactured housing lot shall have a rear yard of not less than ten (10) feet and shall extend across the entire width of the manufactured housing lot.
- E. No manufactured housing unit shall be located closer than twenty (20) feet from any property line which is a public street.

18.080 Lot Coverage.

Not more than seventy-five percent (75%) of the area of a manufactured housing lot shall be covered by the manufactured housing unit, accessory structures, paved drives and parking.

18.090 Fences, screening and landscaping.

A solid fence of not less than six (6) feet in height may be required on all exterior subdivision boundaries. Fences are permitted, but not required for manufactured housing lots, and shall not exceed six (6) feet in height. Where a fence is located in any required front yard, it shall not exceed four (4) feet. Alternately, a combination of landscaping, screening, or fencing may also be deemed appropriate.

18.100 Access.

All manufactured housing lots and recreation facilities shall have access only from a private interior drive. There shall be no direct access from a manufactured housing lot to a public street or road. Private internal drives within a manufactured housing subdivision shall not be less than twenty-five (25) feet in width or thirty (30) feet over 7,000 feet in elevation and shall be paved, improved and maintained according to improvement standards adopted by the County.

18.110 Accessory uses and structures permitted.

The following accessory uses and structures may be permitted in manufactured housing subdivisions, provided that they conform to setback requirements and maximum lot coverage requirements:

- A. Convenience Structures. Awnings; portable, demountable, or permanent cabanas; storage cabinets and buildings; ramadas; windbreaks; carports; garages; porches; greenhouses; bathhouses and other accessory structures;
- B. Recreational Facilities. Parks, playgrounds, riding and hiking trails, golf courses, lakes, stables and riding rings, recreational buildings, clubhouses, community centers, and similar uses and facilities, provided that all such uses and facilities are designed for and limited to use by residents of the manufactured housing subdivision and their guests, and if otherwise permitted by County Code.

18.120 Undergrounding.

All sewer and water facilities and electric, gas and telephone, and TV cable distribution systems shall be placed underground.

18.130 Subdivision of existing mobile-home parks, additional requirements.

A mobile-home park may be subdivided in accordance with applicable provisions of the Mono County Code relating to subdivisions and shall also comply with the provisions contained in this chapter, as well as in the provisions of Chapter 17 of the Mono County Code (Subdivision).

CHAPTER 19

DEVELOPMENT STANDARDS-ADULT-ORIENTED BUSINESSES

Sections:

19.010	Findings.
19.020	Legislative purpose.
19.030	Definitions.
19.040	Minimum proximity requirements.
19.050	Permit required.
19.060	Severability.

19.010 Findings.

A. The Board of Supervisors, in adopting this chapter, takes legislative notice of the existence and content of the following studies concerning the adverse secondary effects of Adult-Oriented Businesses in other cities: Garden Grove, California (1991); Tucson, Arizona (1990); Seattle, Washington (1989); Austin, Texas (1986); Oklahoma City, Oklahoma (1986); Indianapolis, Indiana (1984); Houston, Texas (1983); Beaumont, Texas (1982); Minneapolis, Minnesota (1980); Phoenix, Arizona (1979); Whittier, California (1978); Amarillo, Texas (1977); Cleveland, Ohio (1977); Los Angeles, California (1977). The Board of Supervisors finds that these studies are relevant to the problems addressed by the County in enacting this chapter to regulate the adverse secondary effects of Adult-Oriented Businesses, and more specifically finds that these studies provide convincing evidence that:

1. Adult-Oriented Businesses are linked to increases in the crime rates in those areas in which they are located and in surrounding areas.
2. Both the proximity of Adult-Oriented Businesses to sensitive land uses and the concentration of Adult-Oriented Businesses tend to result in blight and deterioration of the areas in which they are located.
3. The proximity and concentration of Adult-Oriented Businesses adjacent to residential, recreational, religious, community or educational uses can have adverse secondary effects on local businesses and residences.
4. There is substantial evidence that an increase in crime tends to accompany, concentrate around, and be aggravated by Adult-Oriented Businesses, including but not limited to an increase in the crimes of narcotics distribution and use, prostitution, pandering, and violence against persons and property. The studies from other cities establish convincing evidence that Adult-Oriented Businesses which are not regulated as to permissible locations often have a deleterious effect on nearby businesses in residential areas, causing, among other adverse secondary effects, an increase in crime and a decrease in property values.

B. Based on the foregoing, the Board of Supervisors of Mono County finds and determines that special regulation of Adult-Oriented Businesses is necessary to ensure that their adverse secondary side effects will not contribute to an increase in crime rates or to the blighting or deterioration of the areas in which they are located or surrounding areas. The need for such special regulations is based upon the recognition

that Adult-Oriented Businesses have serious objectionable operational characteristics, when located in direct proximity to sensitive uses such as dwellings, parks, schools, churches, or public buildings thereby having a deleterious effect upon the adjacent areas. It is the purpose and intent of these special regulations to prevent such adverse secondary effects.

C. Mono County is a rural county that is made up mostly (at least 94%) of public lands over which the County lacks land use authority. Very little private land exists within the county and, of that private land, only a small portion (less than 1%) is available for any type of commercial use. Based on the above, and on a thorough review of decisions of the United States Supreme Court, the United States Court of Appeals for the 9th Circuit and California Courts, the Board finds that the locational requirements established by this chapter do not unreasonably restrict the establishment or operation of constitutionally protected Adult-Oriented Businesses in Mono County, and a sufficient reasonable number of appropriate locations for Adult-Oriented Businesses are provided by this chapter.

D. In developing this chapter, the Board of Supervisors has been mindful of legal principles relating to regulation of Adult-Oriented Businesses and does not intend to suppress or infringe upon any expressive activities protected by the First Amendments of the United States and California Constitutions, but instead desires to enact reasonable time, place, and manner regulations that address the adverse secondary effects of Adult-Oriented Businesses. The Board of Supervisors has considered decisions of the United States Supreme Court regarding local regulation of Adult-Oriented Businesses, including but not limited to: City of Erie v. Pap's A.M., 12 S.Ct. 1382 (2000); Young v. American Mini Theaters, Inc., 427 U.S. 50 (1976) (Reh. denied 429 U.S. 873); Renton v. Playtime Theaters, 475 U.S. 41 (1986) (Reh. denied 475 U.S. 1132); FW/PBS, Inc. v. Dallas, 493 U.S. 215 (1990); Barnes v. Glenn Theater, 501 U.S. 560 (1991); United States Court of Appeals 9th Circuit decisions, including but not limited to: Diamond v. City of Taft, 2000 WL 821287 (9th Cir. (Cal.)); Topanga Press, et al. v. City of Los Angeles, 989 F.2d 1524 (1993); Kev, Inc. v. Kitsap County, 793 F.2d 1053 (9th Cir. 1986); Colacurcio v. City of Kent, 163 F.3d 545 (9th Cir. 1998), pet. For cert. Filed (1999); several California cases including but not limited to: Tily B. v. City of Newport Beach, 69 Cal.App.4th 1 (1998); City of National City v. Wiener, 3 Cal.4th 832 (1993); People v. Superior Court (Lucero) 49 Cal.3d 14 (1989); and City of Vallejo v. Adult Books, et al., 167 Cal.App.3d 1169 (1985); and other federal cases including Lakeland Lounge v. City of Jacksonville (5th Cir. 1992) 973 F.2d 1255, Hang On, Inc. v. Arlington (5th Cir. 1995) 65 F.3d 1248, Mitchell v. Commission on Adult Entertainment (3rd Cir. 1993) 10 F.3d 123, International Eateries v. Broward County (11th Cir. 1991) 941 F.2d 1157, and Star Satellite v. City of Biloxi (5th Cir. 1986) 779 F.2d 1074.

E. Zoning, General Plans, licensing and other police power regulations are legitimate, reasonable means of accountability to help protect the quality of life in Mono County and to help assure that all operators of Adult-Oriented Businesses comply with reasonable regulations and are located in places that minimize the adverse secondary effects which naturally accompany the operation of such businesses.

F. The Board of Supervisors recognizes the possible harmful effects on children and minors exposed to the effects of such Adult-Oriented Businesses and the deterioration of respect for family values, and the need and desire of children and minors to stay away from and avoid such businesses, which causes children to be fearful and cautious when walking through or visiting the immediate neighborhood of such businesses; and the particular need to reduce such effects near schools, where large numbers of children spend much of their time; and the Board of Supervisors desires to minimize

and control the adverse secondary side effects associated with the operation of Adult-Oriented Businesses and thereby protect the health, safety, and welfare of the citizens of Mono County; protect the citizens from increased crime; preserve the quality of life; preserve property values and the character of surrounding neighborhoods and businesses; deter the spread of urban blight and protect against the threat to health from the spread of communicable and sexually transmitted diseases.

G. It is not the intent of the Board of Supervisors in enacting this chapter, or any provision thereof, to condone or legitimize the distribution of obscene material, and the County recognizes that state law prohibits the distribution of the obscene materials and expects and encourages law enforcement officials to enforce state obscenity statutes against such illegal activities in Mono County.

H. Nothing in this chapter is intended to authorize, legalize, or permit the establishment, operation, or maintenance of any business, building, or use which violates any County ordinance or any statute of the State of California regarding public nuisances, unlawful or indecent exposure, sexual conduct, lewdness, obscene or harmful matter or the exhibition or public display thereof.

I. While the Board of Supervisors desires to protect the rights conferred on Adult-Oriented Businesses by the United States Constitution, it does so in a manner that ensures the continued and orderly development of property within the county and diminishes, to the greatest extent feasible, those undesirable secondary effects which the aforementioned studies have shown to be associated with the development and operation of Adult-Oriented Businesses.

19.020 Legislative purpose.

It is the intent of the chapter to prevent community-wide adverse economic impacts, increased crime, decreased property values, and the deterioration of neighborhoods which can be brought about by the location of Adult-Oriented Businesses in close proximity to incompatible uses such as schools for minors, churches, parks, public buildings and residentially-designated districts or uses. It is the purpose of this chapter to establish reasonable and uniform regulations to prevent the location of Adult-Oriented Businesses in close proximity to incompatible uses, while permitting the location of Adult-Oriented Businesses in certain areas.

19.030 Definitions.

For the purpose of this chapter the words and phrases shall have the same meanings respectively ascribed to them by this section and by Chapter 2 of the Land Development Regulations set forth in Section VI of this General Plan Land Use Element:

“Adult-Oriented Businesses.” The term "Adult-Oriented Businesses" as used in this chapter means any one of the following:

1. Adult Arcade. The term "adult arcade" as used in this chapter means an establishment where, for any form of consideration, one or more still or motion picture projectors, or similar machines, for viewing by five (5) or fewer persons each, are used to show films, computer generated images, motion pictures, video cassettes, slides or other photographic reproductions thirty (30) percent or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

2. Adult Bookstore. The term "adult bookstore" as used in this chapter means an establishment that has thirty (30) percent or more of its stock in books, magazines, periodicals or other printed matter, or of photographs, films, motion pictures, video cassettes, slides, tapes, records or other form of visual or audio representations which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities and/or specified anatomical areas.
3. Adult Cabaret. The term "adult cabaret" as used in this chapter means a nightclub, bar, restaurant, or similar business establishment which: (1) regularly features live performances which are distinguished or characterized by an emphasis upon the display of specified anatomical areas or specified sexual activities; and/or (2) which regularly features persons who appear semi-nude; and/or (3) shows films, computer generated images, motion pictures, video cassettes, slides, or other photographic reproductions thirty (30) percent or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
4. Adult Hotel/Motel. The term "adult hotel/motel" as used in this chapter means a hotel or motel or similar business establishment offering public accommodations for any form of consideration which, (1) provides patrons with closed-circuit television transmissions, films, computer generated images, motion pictures, video cassettes, slides, or other photographic reproductions thirty (30) percent or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; and (2) rents, leases, or lets any room for less than a six (6) hour period, or rents, leases, or lets any single room more than twice in a 24-hour period.
5. Adult Motion Picture Theater. The term "adult motion picture theater" as used in this chapter is a business establishment where, for any form of consideration, films, computer generated images, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and thirty (30) percent or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
6. Adult Theater. The term "adult theater" as used in this chapter means a theater, concert hall, auditorium, or similar establishment which, for any form of consideration regularly features live performances which are distinguished or characterized by an emphasis on the display of specified anatomical areas or specified sexual activities.
7. Modeling Studio. The term "modeling studio" as used in this chapter means a business which provides, for pecuniary compensation, monetary or other consideration, hire or reward, figure models who, for the purposes of sexual stimulation of patrons, display "specified anatomical areas" to be observed, sketched, photographed, painted, sculpted or otherwise depicted by persons paying such consideration. "Modeling studio" does not include schools maintained pursuant to standards set by the State Board of Education. "Modeling studio" further does not include a studio or similar facility owned, operated, or maintained by an individual artist or group of artists, and which does not provide, permit, or make available "specified sexual activities."

“Adult-Oriented Business Operator” The term "Adult-Oriented Business Operator" as used in this chapter (hereinafter "operator") means a person who supervises, manages, inspects, directs, organizes, controls or in any other way is responsible for or in charge of the premises of an Adult-Oriented Business or the conduct or activities occurring on the premises thereof.

“Applicant” The term “applicant” as used in this chapter is a person who is required to file an application for a permit under this chapter, including an individual owner, managing partner, officer of a corporation, or any other operator, manager, employee, or agent of an Adult-Oriented Business.

“Church” The term "church" as used in this chapter is a structure used primarily for religious worship and related religious activities.

“Community Development Director” The term “Community Development Director” as used in this chapter shall mean the Community Development Director of Mono County or the authorized representatives thereof.

“Distinguished Or Characterized By An Emphasis Upon” As used in this chapter, the term "distinguished or characterized by an emphasis upon" shall mean and refer to the dominant or essential theme of the object described by such phrase. For instance, when the phrase refers to films "which are distinguished or characterized by an emphasis upon" the depiction or description of specified sexual activities or specified anatomical areas, the films so described are those whose dominant or predominant character and theme are the depiction of the enumerated sexual activities or anatomical areas. *See Pringle v. City of Covina*, 115 Cal.App.3 151 (1981).

“Establishment Of An Adult-Oriented Business” As used in this chapter, to establish an Adult-Oriented Business shall mean and include any of the following.

1. The opening or commencement of any Adult-Oriented Business as a new business;
2. The conversion of an existing business, whether or not an Adult-Oriented Business, to any Adult-Oriented Businesses defined herein;
3. The addition of any of the Adult-Oriented Businesses defined herein to any other existing Adult-Oriented Business; or
4. The relocation of any such Adult-Oriented Business.

“Figure Model” The term "figure model" as used in this chapter, means any person who, for pecuniary compensation, consideration, hire or reward, poses in a modeling studio to be observed, sketched, painted, drawn, sculptured, photographed or otherwise depicted.

“Health Officer” The term “Health Officer” as used in this chapter means the Mono County Health Officer or his or her duly authorized representative.

“Nudity Or A State Of Nudity” The term "nudity or a state of nudity" as used in this chapter means the showing of the human male or female genitals or pubic area with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple or areola.

“Operate An Adult-Oriented Business” As used in this chapter, "operate an Adult-Oriented Business" means the supervising, managing, inspecting, directing, organizing, controlling or in any way being responsible for or in charge of the conduct of activities of an Adult-Oriented Business or activities within an Adult-Oriented Business.

“Permittee” The term "permittee" as used in this chapter means the person to whom an Adult-Oriented Business Permit is issued.

“Person” The term “person” as used in this chapter means any individual, partnership, co-partnership, firm, association, joint stock company, corporation, or combination of the above in whatever form or character.

“Public Building” The term “public building” as used in this chapter is a building or structure owned or operated by a public entity (including, but not limited to Mono County) which is open to and frequented by members of the general public (e.g., a public library or community center).

“Regularly Features” The term "regularly features" with respect to an adult theater or adult cabaret means a regular and substantial course of conduct. The fact that live performances which are distinguished or characterized by an emphasis upon the display of specified anatomical areas or specified sexual activities occurs on two (2) or more occasions within a thirty (30) day period; three (3) or more occasions within a sixty (60) day period; or four (4) or more occasions within a one hundred and eighty (180) day period, shall to the extent permitted by law be deemed to be a regular and substantial course of conduct.

“School” The term "school" as used in this chapter is any institution of learning for minors, whether public or private, offering instruction in those courses of study required by the California Education Code and maintained pursuant to standards set by the State Board of Education or any child or day care facility. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college, or university.

“Semi-Nude” The term “semi-nude” as used in this chapter means a state of dress in which clothing covers no more than the genitals, pubic region, buttocks, and nipple and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

“Specified Anatomical Areas” As used in this chapter, the term "specified anatomical areas" shall mean and include any of the following: less than completely and opaquely covered human

1. Genitals or pubic region;
2. Buttocks; and
3. Female breast below a point immediately above the top of the areola.

“Specified Sexual Activities” As used in this chapter, the term "specified sexual activities" shall mean and include any of the following, whether performed directly or indirectly through clothing or other covering:

LAND USE ELEMENT

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast;
2. Sex acts, actual or simulated, including intercourse, oral copulation, or sodomy;
3. Masturbation, actual or simulated;
4. Excretory functions as part of or in connection with any of the other activities described in subdivision (1) through (3) of this subsection.

19.040 Minimum proximity requirements.

Notwithstanding anything to the contrary contained in the Mono County Code or Mono County General Plan, no Adult-Oriented Business shall be established or located on property in the county other than property with the land use designation of Rural Resort (RU), Industrial Park (IP), or Industrial (I), as those designations are defined in the Land Use Element of the Mono County General Plan, or within specified distances of certain land uses as set forth below:

- A. No such business shall be established on or within 500 feet from any property with a residential land use designation (including Rural Residential (RR), Single-Family Residential (SFR), Multi-Family Residential (MFR), Estate Residential (ER) and Rural Mobile Home (RMH) or from a building or structure used as a dwelling, park, church, or public building.
- B. No Adult-Oriented Business shall be established within 3,000 feet from a school.
- C. The distances set forth above shall be measured as a radius from the Adult-Oriented Business to the property line of the residentially designated properties or park, or to the actual structure used as a dwelling, school, church, or public building.

19.050 Permit required.

In addition to complying with the location restrictions set forth above, all Adult-Oriented Businesses shall comply with the permit requirements and other operational standards contained in Chapter 5.45 of the Mono County Code.

19.060 Severability.

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this chapter or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter or any part thereof. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more of those be declared unconstitutional, or invalid, or ineffective.

CHAPTER 21

DEVELOPMENT STANDARDS–FLOOD PLAIN REGULATIONS

Sections:

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21.010 Intent.

The FP, flood plain combining district is intended to establish special requirements and regulations to be applied to those areas of the county subject to inundation in order to prevent loss of life and property damage.

21.020 Statutory authorization.

The Legislature of the State of California has in Government Code Sections 65302, 65560 and 65800 conferred upon local government units authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

21.030 Findings of fact.

- A. The flood hazard areas of Mono County are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- B. These flood losses may be caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are

inadequately flood proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

21.040 Statement of purpose.

It is the purpose of this chapter to promote the public health safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- A. To protect human life and health;
- B. To minimize expenditure of public money for costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard.
- F. To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

21.050 Methods of reducing flood losses.

In order to accomplish its purposes, this chapter includes methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- D. Controlling, filling grading, dredging, and other development which may increase flood damage; and
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

21.060 Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

"Appeal" means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance or a request for a variance.

"Area of Special Flood Hazard" means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. (See "Special Flood Hazard Area.")

"Base Flood" means the flood having a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood").

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

"Breakaway Walls" are any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which is not part of the structural support of the building and which is designed to breakaway under abnormally high tides or wave action without causing damage to the structural integrity of the building on which they are used or any building to which they might be carried by flood waters. A breakaway wall shall have a design safe loading resistance of not less than ten and not more than twenty pounds per square foot. Use of breakaway walls must be certified by a registered engineer or architect and shall meet the following conditions:

1. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and
2. The elevated portion of the building shall not incur any structural damage due to the effects of winds and water loads acting simultaneously during the base (a 100-year event) flood.

"Development" means any man made change to improve or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters and/or
2. The unusual and rapid accumulation or runoff of surface waters from any source.
3. The collapse or subsidence of land along undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high-water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in definition.

"Flood Boundary/Floodway Map" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of flood hazard and the floodway.

"Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the area of special flood hazards and the risk premium zones applicable to the community.

"Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map (FIRM), the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

"Floodplain or Flood Prone Area" means any land area susceptible to being inundated by water from any source (See definition of "Flooding").

"Floodplain Management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

"Floodplain Management Regulations" means land development regulations, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinances) and other applications of police power. The term describes such state or local regulations in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

"Floodproofing" means any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as "Regulatory floodway."

"Functionally Dependent Use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

"Hazard Mitigation Plan" means a plan that incorporates a process, whereby the potential of future loss due to flooding can be minimized by planning and implementing alternatives to floodplain management community-wide.

"Highest Adjacent Grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls or a structure.

"Lowest Floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a

building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

"Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days.

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale or rent.

"Mean Sea Level" means, for purposes of the national Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"New Construction" means, for floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of floodplain management regulation adopted by the County of Mono.

"One Hundred Year Flood" or "100-Year Flood" means a flood which has a one percent annual probability of being equaled or exceeded. It is identical to the "base flood," which will be the term used through this chapter.

"Person" means an individual or his agent, firm, partnership, association or corporation, or agent of the aforementioned groups, or this state or its agencies or political subdivisions.

"Remedy A Violation" means to bring the structure or other development into compliance with State or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this chapter or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"Special Flood Hazard area (SFHA)" means an area having special flood or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, A1-30, AE or A99.

"Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include

the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

"Structure" means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well a manufactured home.

"Substantial Improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

1. Before the improvement or repair is started, or
2. If the structure has been damaged and is being restored before the damage occurred.

For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or,
2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

"Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

"Violation" means the failure of a structure or other development to be fully compliant with the County's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

21.070 Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of Mono County.

21.080 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency or the Federal Insurance Administration in a scientific and engineering report entitled "Flood Insurance Study for the County of Mono," dated August 19, 1985 with an accompanying Flood Insurance Rate Map is hereby adopted by reference and declared to be part of this chapter, and all subsequent amendments and/or revisions. The Flood Insurance Study is on file at Planning Department Bridgeport, California. This Flood Insurance Study is the minimum area of applicability of the chapter and may be supplemented by studies for other areas which allow implementation of this

chapter and which are recommended to the Board of Supervisors by the Floodplain Administrator.

21.090 Compliance.

No structure or land shall hereafter be constructed, located, subdivided, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations. Violations of the provisions of the chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein contained shall prevent the Board of Supervisors from taking such lawful action as is necessary to prevent or remedy any violation.

21.100 Abrogation and greater restrictions.

The chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another chapter and/or ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

21.110 Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

- A. Considered as minimum requirements:
- B. Liberally construed in favor of the governing body; and,
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.

21.120 Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of Mono County, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decisions they lawfully make thereunder.

21.130 Establishment of development permit.

A development permit shall be obtained before construction or development begins within any area of special flood hazards established in Section 21.080. Application for a Development Permit shall be made on forms furnished by the Floodplain Administrator and may include but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- A. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures and elevation of highest adjacent grade.
- B. Proposed elevation in relation to mean sea level to which any structure will be floodproofed;
- C. All appropriate certifications listed in Section 21.150-D of this chapter; and
- D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

21.140 Designation of floodplain administrator.

The Director of Public Works is hereby appointed as Floodplain Administrator and authorized to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

21.150 Duties and responsibilities of the floodplain administrator.

The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to:

- A. Review of all development permit applications to determine that:
 - 1. The permit requirements of this chapter have been satisfied;
 - 2. All other required state and federal permits have been obtained;
 - 3. The site is reasonably safe from flooding.
 - 4. The proposed development does not adversely affect the carrying capacity of areas where the base flood elevation have been determined, but a flood way has not been designated. For purposes of this chapter, "adversely affects" means the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point.
- B. Use of Other Base Flood Data
When base flood elevation data has not been provided in accordance with Section 21.080, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer Section 21.160. Any such information shall be submitted to the Board of Supervisors for adoption.
- C. Alteration of Watercourses
Whenever a watercourse is to be altered or relocated:
 - 1. Notify adjacent communities and the Department of Water Resources prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration;
 - 2. Required that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained.
- D. Information to be Obtained and Maintained
Obtain and maintain for public inspection and make available as needed:

1. The certification required in Section 21.160-C-1 (floor elevations);
 2. The certification required in Section 21.160-C-2-c (elevation or floodproofing of nonresidential structures);
 3. The certification required in Section 21.160-C-3-a or 21.160-C-3-b (wet floodproofing standard);
 4. The certification required in Section 21.180-B (subdivision standards);
 5. The certification required in Section 21.200-A (floodway encroachments); and
- E. Interpretation of Flood Insurance Rate Map (FIRM) Boundaries
Make interpretations where needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 21.210.
- F. Remedy Violations
Take necessary action to remedy violations of this chapter as specified in Section 21.090 herein.

21.160 Standards of construction.

In all areas of special flood hazard the following standards are required:

- A. Anchoring
1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movements of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 2. All manufactured homes shall meet the anchoring standards of Section 21.190.
- B. Construction Materials and Methods
1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
 3. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- C. Elevations and Floodproofing
1. New construction and substantial improvement of any structure shall have the lowest floor, including basement, elevated to or above the base flood elevation (i.e., the depth number specified in feet on the FIRM), or at least two feet above the highest adjacent grade if no depth number is specified.

Nonresidential structures may meet the standards in Section 21.160- C-2. Upon the completion of the structure the elevation of the lowest floor, including basement, shall be certified by a registered professional engineer or surveyor, or verified by the county building inspector to be properly elevated. Such certification or verification shall be provided to the Floodplain Administrator.

2. Nonresidential construction shall either be elevated in conformance with Section 21.160-C-1 together with attendant utility and sanitary facilities:
 - a. Be floodproofed so that, below the base flood level, the structure is watertight with walls substantially impermeable to the passage of water;
 - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - c. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the Floodplain Administrator.
3. Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - a. Either a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of flood waters; or
 - b. Be certified to comply with a local floodproofing standard approved by the Federal Insurance Administration.
4. Manufactured homes shall also meet the standards in Section 21.190.

21.170 Standards for utilities.

- A. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.
- B. On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding.

21.180 Standards for subdivisions.

- A. All preliminary subdivision and land division proposals shall identify the flood hazard area and the elevation of the base flood. This shall apply to those divisions greater than 50 lots or 5 acres, whichever is the lesser.

- B. All final subdivision plans will provide the elevations of proposed structure(s) and pads. If the site is filled above the base flood, the final pad elevation shall be certified by a registered professional engineer or surveyor and provided to the Floodplain Administrator.
- C. All subdivision proposals shall be consistent with the need to minimize flood damage.
- D. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- E. All subdivisions shall provide adequate drainage to reduce exposure to flood hazards.

21.190 Standards for manufactured homes.

All new and replacement manufactured homes and additions to manufactured homes shall:

- A. Be elevated so that the lowest floor is at or above the base flood elevation;
- B. Be securely anchored to a permanent foundation system to resist flotation, collapse or lateral movement.

21.200 Floodways.

Located within areas of special flood hazard, established in Section 21.080, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- B. If Section 21.200-A is satisfied all new construction and substantial improvements shall comply with all other applicable flood hazard reductions provisions of Sections 21.160 through 21.200.

21.210 Variance procedures.

- A. Appeal Board
 - 1. The Mono County Planning Commission shall hear and decide requests for variances from the requirements of this chapter.
 - 2. The Mono County Planning Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Floodplain Administer in the enforcement or administration of this chapter.

3. The Board of Supervisors shall hear appeals of actions of the Planning Commission in the manner set forth in Chapter 47, Appeals.
4. In passing upon such requests or appeals, the Board of Supervisors or Planning Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:
 - a. The danger that materials may be swept onto other lands to the injury of others.
 - b. The danger to life and property due to flooding or erosion damage.
 - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - d. The importance of the services provided by the proposed facility to the community.
 - e. The necessity to the facility of a waterfront location, where applicable.
 - f. The availability of alternative locations for the proposed uses which are not subject to flooding or erosion damage.
 - g. The compatibility of the proposed use with existing and anticipated development.
 - h. The relationship of the proposed use to this general plan and floodplain management program for that area.
 - i. The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - j. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
 - k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.
5. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items a through k in Section 21.210 A-4 have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
6. Upon consideration of the factors of Section 21.210 A-4 and the purpose of the chapter, the Board of Supervisors or Planning Commission may attach such conditions to the granting of variances as it deems necessary to further the purpose of this chapter.

7. The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

B. Conditions for Variances:

1. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed in the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this Section.
2. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
3. Variances shall be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
4. Variances shall only be issued upon:
 - a. A showing of good and sufficient cause. Variances issued for economic considerations, aesthetics, or because variances have been used in the past, are not good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of, the public, or conflict with existing local laws or ordinances.
5. Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the provisions of Section 21.210 A-1 through 21.210 A-2 are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
6. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with lowest flood elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the lowered floor elevation. A copy of the notice shall be recorded by the Floodplain Administrator in the office of the Mono County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

CHAPTER 22

DEVELOPMENT STANDARDS—FIRE SAFE REGULATIONS

Sections:

22.010	Intent.
22.020	Scope.
22.030	Provisions for Application of these Regulations.
22.040	Inspection Authority.
22.050	Inspections.
22.060	Exceptions to Standards.
22.070	Requests for Exceptions.
22.080	Appeals.
22.090	Definitions.
22.091	Distance Measurements.
22.092	Maintenance of Defensible Space Measures.
22.100	Emergency Access/Road Descriptions.
22.110	Signing & Building Numbering.
22.120	Emergency Water Standards.
22.130	Fuel Modification Standards.
22.140	Roof Covering Standards.

22.010 Intent.

These Fire Safe regulations are intended to provide the same practical effect as the State Responsibility Area Fire Safe Regulations, Public Resources Code Section 4290, Title 14 of the California Code of Regulations (CCR) and roofing requirements as specified in Government Code Sections 51178.5 and 51189 and Health and Safety Code Sections 13108.5 and 13132.7. The regulations establish basic wildland fire protection standards in the State Responsibility Areas of Mono County for emergency access; signing and building numbering; private water supply reserves for fire use; roof covering standards; and vegetation modification.

22.020 Scope.

These regulations do not apply to existing structures (except as specified in Section 22.140), roads, streets and private lanes or facilities. These regulations shall apply as appropriate to all construction within State Responsibility Areas approved after October 1, 1991. Affected activities include but are not limited to:

- A. Permitting or approval of new parcels, excluding lot line adjustments as specified in Government Code (GC) Section 66412(d),
- B. Application for a building permit for new construction, not relating to an existing structure (except as specified in Section 22.140 Roof Covering Standards),
- C. Application for a use permit,
- D. The siting of manufactured homes (manufactured homes are as defined by the National Fire Protection Association, National Fire Code, Section 501A, Standard for Fire Safety Criteria for Manufactured Home installations, Sites and

Communities, Chapter 1, Section 1-2, Definitions, page 4, 1987 edition and Health and Safety Code Sections 18007, 18008, and 19971).

- E. Road construction, including construction of a road that does not currently exist, or extension of an existing road.

Exemption: Roads required as a condition of tentative parcel maps prior to the effective date of these regulations; roads for agricultural or mining use solely on one ownership; and roads used solely for the management and harvesting of wood products.

22.030 Provisions for Application of these Regulations.

This chapter shall be applied as follows:

- A. Mono County shall provide the Director of the Department of Forestry and Fire Protection (CDF) with notice of applications for building permits, tentative parcel maps, and use permits for construction or development within State Responsibility Areas.
- B. The Director of CDF, or his designee, shall review and make fire protection recommendations on applicable construction or development permits or maps provided by Mono County.
- C. The applicable sections of this chapter shall become a condition of approval of any applicable construction or development permit or map. Applicants should also consult with the applicable local fire protection district for possible additional requirements.

22.040 Inspection Authority.

- A. Inspection shall be made pursuant to Section 1270.06 of the California Code of Regulations by the Director of CDF. Applicable fire districts or Mono County departments may provide inspection assistance through the building or development permit process.
- B. Reports of violations shall be provided to the CDF Ranger Unit headquarters that administers State Responsibility Area fire protection for Mono County.

22.050 Inspections.

The inspection authority may inspect for compliance with these regulations. When inspections are conducted, they should occur prior to: the issuance of the use permit; certificate of occupancy; the recordation of the parcel map or final map; the filing of a notice of completion; or the final inspection of any project or building permit.

22.060 Exceptions to Standards.

Upon request by the applicant, exceptions to standards within this chapter and mitigated practices may be allowed by the inspection authority, where the exception provides the same overall practical effect as these regulations towards providing defensible space.

22.070 Requests for Exceptions.

Requests for an exception shall be made in writing to the inspection authority by the applicant or the applicant's authorized representative. The request shall state the specific section(s) for which an exceptions is requested, material facts supporting the contention of the applicant, the details of the exception or mitigation measure proposed, and a map showing the proposed location and siting of the exception or mitigation measure.

22.080 Appeals.

Where an exception is not granted by the inspection authority, the applicant may appeal such denial to the Mono County Planning Commission in accordance with Chapter 47, Appeals. Prior to the appeal hearing, the inspection authority shall be consulted and shall provide to the Planning Commission documentation outlining the effects of the requested exception on wildland fire protection.

If an appeal is granted, the Planning Commission shall make findings that the decision meets the intent of providing defensible space consistent with these regulations. Such findings shall include a statement of reasons for the decision. A written copy of these findings shall be provided to the CDF Ranger unit headquarters that administers State Responsibility Area fire protection in Mono County.

22.090 Definitions.

"Accessory building" means any building used as an accessory to residential, commercial, recreational, industrial, or educational purposes as defined in the California Building Code, 1989 Amendments, Chapter 11, Group M, Division 1, Occupancy that requires a building permit.

"Agriculture" means land used for agricultural purposes as defined in land use designations of the Mono County General Plan Land Use Element.

"Building" means any structure used or intended for supporting or sheltering any use or occupancy that is defined in the California Building Code, 1989 Amendments, Chapter 11, except Group M, Division 1, Occupancy. For the purposes of this chapter, building includes mobile homes and manufactured homes, churches, and day care facilities.

"CDF" means California Department of Forestry and Fire Protection.

"Dead-end road" means a road that has only one point of vehicular ingress/egress, including cul-de-sacs and looped roads.

"Defensible space" means the area within the perimeter of a parcel, development, neighborhood or community where basic wildland fire protection practices and measures are implemented, providing the key point of defense from an approaching wildfire or defense against encroaching wildfires or escaping structure fires. The perimeter as used in this regulation is the area encompassing the parcel or parcels proposed for construction and/or development, excluding the physical structure itself. The area is characterized by the establishment and maintenance of emergency vehicle access, emergency water reserves, street names and building identification, and fuel modification measures.

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"Development" means as defined in Section 66418.1 of the California Government Code.

"Director" means the Director of the Department of Forestry and Fire Protection or his/her designee.

"Driveway" means a vehicular access that serves no more than two buildings, with no more than 3 dwelling units on a single parcel, and any number of accessory buildings.

"Dwelling unit" means any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and/or sanitation for not more than one family.

"Exception" means an alternative to the specified standard requested by the applicant that may be necessary due to health, safety, environmental conditions, physical site limitations or other limiting conditions such as recorded historical sites, that provides mitigation of the problem.

"Fire valve" see hydrant.

"Fuel modification area" means an area where the volume of flammable vegetation has been reduced, providing reduces fire intensity and duration.

"Greenbelts" means a facility or land use, designed for other than fire protection, which will slow or resist the spread of a wildfire. Includes parking lots, irrigated or landscaped areas, golf courses, parks, playgrounds, maintained vineyards, orchards or annual crops that do not cure in the field

"Hammerhead/T" means a roadway that provides a "T" shaped, three-point turnaround space for emergency equipment, being no narrower than the road that serves it.

"Hydrant" means a valved connection on a water supply/storage system, having at least one 2 1/2 inch outlet, with male American National Fire Hose Screw Threads (NH) used to supply fire apparatus and hoses with water.

"Local Jurisdiction" means a county/town agency or department that issues or approves building permits, use permits, tentative maps or tentative parcel maps, or has authority to regulate development and construction activity.

"Occupancy" means the purpose for which a building, or part thereof, is used or intended to be used.

"One-way road" means a minimum of one traffic lane width designed for traffic flow in one direction only.

"Roads, streets, private lanes" means vehicular access to more than one parcel; access to any industrial or commercial occupancy; or vehicular access to a single parcel with more than two buildings or four or more dwelling units.

"Roadway" means any surface designed, improved, or ordinarily used for vehicle travel.

"Roadway structures" means bridges, culverts, and other appurtenance structures which supplement the roadway bed or shoulders.

Same Practical Effect" means as used in this chapter, means an exception or alternative with the capability of applying accepted wildland fire suppression strategies and tactics, and provisions for fire fighter safety, including:

1. Access for emergency wildland fire equipment,
2. Safe civilian evacuation,
3. Signing that avoids delays in emergency equipment response,
4. Available and accessible water to effectively attack wildfire or defend a structure from wildfire, and
5. Fuel modification sufficient for civilian and fire fighter safety.

"Shoulder" means roadbed or surface adjacent to the traffic lane.

"State Board of Forestry (SBOF)" means a nine member board, appointed by the Governor, which is responsible for developing the general forest policy of the state, for determining the guidance policies of the Department of Forestry and Fire Protection, and for representing the state's interest in federal land in California.

"State Responsibility Area (SRA)" means as defined in Public Resources Code Section 4126-4127: and the California Code of Regulations, Title 14, Division 1.5, Chapter 7, Article 1, Sections 1220-1220.5.

"Structure" means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

"Subdivision" means as defined in Section 6644424 of the Government Code.

"Traffic lane" means the portion of a roadway that provides a single line of vehicle travel.

"Turnaround" means a roadway, unobstructed by parking, which allows for a safe opposite change of direction for emergency equipment. Design of such area may be a hammerhead/T or terminus bulb.

"Turnouts" means a widening in a roadway to allow vehicles to pass.

"Vertical clearance" means the minimum specified height of a bridge or overhead projection above the roadway.

"Wildfire" is as defined in Public Resources Code Sections 4103 and 4104.

22.091. Distance Measurements.

All specified or referenced distances are measured along the ground, unless otherwise stated.

22.092. Maintenance of Defensible Space Measures.

To ensure continued maintenance of properties in conformance with these standards and measures and to assure continued availability, access, and utilization of the

defensible space provided for in these standards during a wildfire, provisions for annual maintenance shall be included in the development plans and/or shall be provided as a condition of the permit, parcel or map approval.

22.100 Emergency Access.

Road and street networks, whether public or private, unless exempted under Section 22.020(e), shall provide for safe access for emergency wildland fire equipment and civilian evacuation concurrently, and shall provide unobstructed traffic circulation during a wildfire emergency consistent with this Section.

A. Road Width.

All roads shall be constructed to provide a minimum of two nine-foot traffic lanes providing two-way traffic flow, unless other standards are provided in this chapter, or additional requirements are mandated by local jurisdictions or county subdivision requirements.

B. Roadway Surface.

The surface shall provide unobstructed access to conventional drive vehicles, including sedans and fire engines. Surfaces should be established in conformance with local ordinances, and be capable of supporting a 40,000 pound load.

C. Roadway Grades.

The grade for all roads, streets, private lanes and driveways shall not exceed sixteen percent.

D. Roadway Radius.

1. No roadway shall have a horizontal inside radius of curvature of less than 50 feet and additional surface width of 4 feet shall be added to curves of 50-100 feet radius; 2 feet to those from 100-200 feet.
2. The length of vertical curves in roadways, exclusive of gutters, ditches, and drainage structures designed to hold or divert water, shall be not less than 100 feet.

E. Roadway Turnarounds.

Turnarounds are required on driveways and dead-end roads as specified in this article. The minimum turning radius for a turnaround shall be 40 feet from the center line of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length.

F. Roadway Turnouts.

Turnouts shall be a minimum of 10 feet wide and 30 feet long with a minimum 25-foot taper on each end.

G. Roadway Structures.

1. All driveway, road, street, and private lane roadway structures shall be constructed to carry at least the maximum load and provide the minimum vertical clearance as required by Vehicle Code Sections 35550, 35750, and 35250.

2. Appropriate signing, including but not limited to weight or vertical clearance limitations, one-way road or single lane conditions, shall reflect the capability of each bridge.
3. A bridge with only one traffic lane may be authorized by the local jurisdiction; however, it shall provide for unobstructed visibility from one end to the other and turnouts at both ends.

H. One-Way Roads.

All one-way roads shall be constructed to provide a minimum of one 10-foot traffic lane. The county/town may approve one-way roads. All one-way roads shall connect to a two-lane roadway at both ends, and shall provide access to an area currently designated for no more than 10 dwelling units. In no case shall it exceed 2,640 feet in length. A turnout shall be placed and constructed at approximately the midpoint of each one-way road.

I. Dead-End Roads.

1. The maximum length of a dead-end road, including all dead-end roads accessed from that dead-end road, shall not exceed the following cumulative lengths, regardless of the number of parcels served:

a. parcels designated for less than one acre	800 feet
b. parcels designated for 1 acre to 4.99 acres	1,320 feet
c. parcels designated for 5 acres to 19.99 acres	2,640 feet
d. parcels designated for 20 acres or larger	5,280 feet

All lengths shall be measured from the edge of the roadway surface at the intersection that begins the road to the end of the road surface at its farthest point. Where a dead-end road crosses areas of differing parcel sizes, requiring different length limits, the shortest allowable length shall apply.

2. Where parcels are designated 5 acres or larger, turnarounds shall be provided at a maximum of 1,320-foot intervals.
3. Each dead-end road shall have a turnaround constructed at its terminus.

J. Driveways.

All driveways shall provide a minimum 10-foot traffic lane and unobstructed vertical clearance of 15 feet along its entire length.

1. Driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided no more than 400 feet apart.
2. A turnaround shall be provided at all building sites on driveways over 300 feet in length, and shall be within 50 feet of the building.

K. Gate Entrances.

1. Gate entrances shall be at least two feet wider than the width of the traffic lane(s) serving that gate.

2. All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on that road.
3. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used.

22.110 Signing and Building Numbering.

To facilitate locating a fire and to avoid delays in response, all newly constructed or approved roads, streets, and buildings shall be designated by names or numbers, posted on signs clearly visible and legible from the roadway. This section shall not restrict the size of letters or numbers appearing on street signs for other purposes.

- A. **Size of Letters, Numbers and Symbols for Street and Road Signs**
Size of letters, numbers, and symbols for street and road signs shall be a minimum of 3 inch letter height, 3/8 inch stroke, reflectorized, contrasting with the background color of the sign.
- B. **Visibility and Legibility of Street and Road Signs**
Road, street and private lane signs required by this chapter shall be installed prior to final acceptance by the county/town of road improvements.
- C. **Addresses for Buildings**
All buildings shall be issued an address by the county/town which conforms to that county/town overall address system. Accessory buildings will not be required to have a separate address; however, each dwelling unit within a building shall be separately identified.
- D. **Size of Letters, Numbers and Symbols for Addresses**
Size of letters and symbols for addresses shall be a minimum 3 inch letter height, 3/8 inch stroke, reflectorized, contrasting with the background color of the sign.
- E. **Installation, Location and Visibility of Addresses**
 1. All buildings shall have a permanently posted address, which shall be placed at each driveway entrance and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter, and the address shall be visible and legible from the road on which the address is located.
 2. Address signs along one-way roads shall be visible from both the intended direction of travel and opposite direction.
 3. Where multiple addresses are required at a single driveway, they shall be mounted on a single post.
 4. Where a roadway provides access solely to a single commercial or industrial business, the address sign shall be placed at the nearest intersection providing access to that site.

22.120 Emergency Water Standards.

Emergency water for wildfire protection shall be available and accessible in quantities and locations specified in the statute and these regulations, in order to attack a wildfire or defend property from a wildfire. Such emergency water may be provided in a fire agency mobile water tender, or naturally occurring or manmade containment structure, as long as the specified quantity is immediately available.

A. Application

The provisions of this article shall apply when new parcels are approved by a county/town. The emergency water system shall be available on-site prior to the completion of road construction, where a community water system is approved, or prior to the completion of building construction, where an individual system is approved.

B. General Standards

Water systems that meet or exceed the standards specified in Public Utilities Commission of California (PUC) revised General Order #103, Adopted June 12, 1956 (Corrected September 7, 1983, Decision 83-09-001), Section VIII Fire Protection Standards and other applicable sections relating to fire protection water delivery systems, static water systems equaling or exceeding the National Fire Protection Association (NFPA) Standard 1231, "Standard on Water Supplies for Suburban and Rural Fire Fighting," 1989 Edition, or mobile water systems that meet the Insurance Services Office (ISO) Rural Class 8, 2nd Edition 3-80, standard shall be accepted as meeting the requirements of this article. These documents are available at CDF Ranger Unit Headquarters.

Nothing in this article prohibits the combined storage of emergency wildfire and structural fire fighting water supplies unless so prohibited by local ordinance or specified by the local fire agency.

Where freeze protection is required, such protection measures as are necessary shall be provided.

C. Hydrant/Fire Valve

1. The hydrant or fire valve shall be 18 inches above grade, 8 feet from flammable vegetation, no closer than 4 feet nor farther than 12 feet from a roadway, and in a location where fire apparatus using it will not block the roadway.

The hydrant serving any building shall be:

- a. Not less than 50 feet nor more than 1/2 mile by road from the building it is to serve, and
 - b. Located at a turnout or turnaround, along the driveway to that building or along the road that intersects with that driveway.
2. The hydrant head shall be brass with 2 1/2 inch National Hose male thread with cap for pressure and gravity flow systems and 4 1/2 inch draft systems. Such hydrants shall be wet or dry barrel as required by the delivery system. They shall have suitable crash protection as required by the local jurisdiction.

D. Signing of Water Sources

Each hydrant/fire valve or access to water shall be identified as follows:

1. If located along a driveway, a reflectorized blue marker, with a minimum dimension of 3 inches shall be located on the driveway address sign and mounted on a fire retardant post, or
2. If located along a street or road,
 - a. A reflectorized blue marker, with a minimum dimension of 3 inches, shall be mounted on a fire retardant post. The sign post shall be within 3 feet of said hydrant/fire valve, with the sign no less than 3 feet nor greater than 5 feet above ground, in a horizontal position and visible from the driveway, or
 - b. As specified in the State Fire Marshal's Guidelines for Fire Hydrant Markings Along State Highways and Freeways, May 1988.

22.130 Fuel Modification Standards.**A. Intent**

To reduce the intensity of a wildfire by reducing the volume and density of flammable vegetation, the strategic siting of fuel modification and greenbelts shall provide (1) increased safety for emergency fire equipment and evacuating civilians; and (2) a point of attack or defense from a wildfire.

B. Setback for Structure Defensible Space

1. All parcels one acre and larger shall provide a minimum 30-foot setback for buildings and accessory buildings from all property lines and/or the center of a road.
2. Parcels less than one acre shall provide setbacks with the same practical effect

C. Disposal of Flammable Vegetation and Fuels

Disposal, including chipping, burying, burning or removal to a landfill site approved by the county/town, of flammable vegetation and fuels caused by site development and construction, road and driveway construction, and fuel modification shall be completed prior to completion of road construction or final inspection of a building permit.

D. Greenbelts

Subdivisions and other developments, which propose greenbelts as a part of the development plan, shall locate said greenbelts strategically, as a separation between wildland fuels and structures. The locations shall be approved by the inspection authority.

22.140 Roof Covering Standards

- A. Class A roof covering(s), as defined in the Uniform Building Code, shall apply in all unrated and Very High Fire Hazard Severity Zones when 50 percent or more of the roof area is reroofed within a one-year period after the issuance of a building permit to every new building(s) and all existing building(s).
 1. The installer of the roof covering shall provide certification of the roof covering classification to the building owner and, when requested, to the Mono County Building Department. The installer shall also install the roof covering in accordance with the manufacturer's listing.

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2. The roofing material shall have passed a minimum 10-year accelerated weather test approved by a testing laboratory recognized by the State Fire Marshal.
 3. This section shall not apply to any building or facility designated as an historic building, as defined in Section 18955.
- B. For every new building(s) and all existing building(s), Class B roof covering(s), as defined in the Uniform Building Code, shall apply in all Moderate Fire Hazard Severity Zones when 50 percent or more of the roof area is reroofed within a one-year period after the issuance of a building permit to every new building(s) and all existing building(s).

CHAPTER 30

PROCESSING—GENERAL

Sections:

- | | |
|---------------|------------------------------------|
| 30.010 | Pre-application conference. |
| 30.020 | LDTAC review. |
| 30.030 | Environmental review. |
| 30.040 | Project modifications. |

30.010 Pre-application conference.

Prior to submitting an application for a discretionary project, the county encourages applicants to contact the planning department or, in the case of energy-related projects, the energy management department, for a preliminary review of the project concept and an informal identification of probable concerns.

For complex or potentially controversial projects, a prospective applicant should attend a pre-application conference with the Land Development Technical Advisory Committee (LDTAC) to refine the project design in order to avoid anticipated impacts and to ensure compliance with federal, state and local regulations. The pre-application conference also provides an opportunity to discuss the permit process, the environmental review process, and time frames for the project.

For the pre-application conference, the applicant shall provide a project description, a conceptual site plan and any other information that the department deems relevant to the application.

30.020 LDTAC Review.

The Land Development Technical Advisory Committee (LDTAC) consists of the Director of Public Works, the Planning Director and the Health Officer, and any other affected county departments, or their designated representatives. The committee acts in a technical capacity to the Planning Commission by reviewing discretionary projects prior to the initial hearing before the Planning Commission. The purpose of the LDTAC review is to discuss the project and proposed conditions/mitigation measures with the applicant and/or project engineer, to provide solutions for potential concerns, and to ensure that the project complies with federal, state and local regulations.

In addition to reviewing discretionary permit applications, the LDTAC approves lot line adjustments and makes written recommendations to the planning commission on subdivisions and land divisions. The LDTAC also participates in pre-application conferences.

30.030 Environmental Review.

Applications for discretionary permits are subject to environmental review and assessment, as provided in the Mono County Environmental Handbook.

30.040 Project modifications.

During pre-application and application processing, County staff and, when applicable, staff from applicable federal, state and local agencies, shall work with projects applicants to ensure that the proposed development is of the highest quality and is consistent with or, when reasonably feasible, exceeds Mono County General Plan policies and the implementing standards in the Land Development Regulations.

Those policies and standards shall be viewed as minimum requirements; development should strive to exceed those minimums whenever reasonably feasible. County staff may require project modifications as necessary to implement this subsection.

CHAPTER 31

PROCESSING—DIRECTOR REVIEW

Sections:

31.010	Director review permit.
31.020	Director review permit with notice.
31.030	Findings.
31.040	Director action.
31.050	Notice of decision.
31.060	Effect of decision.

31.010 Director review permit.

This procedure allows the Director to issue a permit for planning projects without the delay and expense of a public hearing as long as the project is exempt from CEQA, and is not controversial or environmentally sensitive.

When reviewing a request for Director review, the Director may require that the applicant submit in such form and type as the Director may specify, additional information as may be deemed relevant to the application.

If the Director determines during the application review that the project is controversial, is environmentally sensitive, or is not Categorically Exempt from CEQA then a Use Permit shall be required per Chapter 32.

The director may waive use permit procedures specified in other chapters of the Land Development Regulations when sufficient standards have been adopted, the project is minor in nature, and the project is exempt from CEQA. Sufficient standards may include provisions included in the County Code, applicable general plan documents, Board of Supervisors resolutions, planning and other county department's procedures and standards, or responsible agencies' regulations

31.020 Director review permit with notice.

Unless the matter has been referred to the Planning Commission per the provisions of 31.010, it shall be the responsibility of the Director to determine if the application warrants notice to contiguous property owners (see Noticing Requirements, Chapter 46). Notice shall be given when the application may have an impact upon contiguous property owners and/or public agencies.

The notice shall be given after filing of application and after determination by the Director that the information submitted by the applicant is sufficient to consider the matter. The notice shall include a brief description of the project and specify the duration of the comment and response period.

The notice shall be designed to ensure that affected parties, including the planning commission, are aware of the pending application and are given a chance to comment prior to the Director rendering a decision. Such notice shall also state the procedure to obtain a copy of the Director's decision.

31.030 Findings.

In order to issue a Director Review Permit the Director must find that all of the following are true:

- A. All applicable provisions of Land Use Designations and Land Development Regulations are complied with, and the site of the proposed use is adequate in size and shape to accommodate the use and to accommodate all yards, walls and fences, parking, loading, landscaping and other required features.
- B. The site for the proposed use relates to streets and highways adequate in width and type to carry the quantity and kind of traffic generated by the proposed use.
- C. The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located.
- D. The proposed use is consistent with the map and text of this General Plan and any applicable area plan.
- E. That the improvements as indicated on the development plan are consistent with all adopted standards and policies as set forth in the Land Development Regulations, this General Plan and any applicable area plan.
- F. That the project is exempt from CEQA.

31.040 Director action.

The Director, based upon available information, shall in writing, grant, grant in modified form or deny the requested use, or determine that a use permit will be required.

31.050 Notice of decision.

The Director shall give written notice of the decision to the applicant and engineer, Planning Commission and any other person, so requesting in writing, a copy of the notice of decision. The notice of decision shall set forth the procedure for filing appeals, specify any conditions of the permit, and include a summary of the Director's findings.

31.060 Effect of decision.

The Director Review Permit shall become effective fifteen (15) days following the issuance of the Director's decision. During the fifteen day period, an appeal may be filed in accordance with Chapter 47. If an appeal is filed, the permit will not be issued until the appeal is considered and a decision is rendered by the Planning Commission.

CHAPTER 32

PROCESSING–USE PERMIT

Sections:

32.010	Required findings.
32.020	Application.
32.030	Hearing.
32.040	Action.
32.050	Notice of decision.
32.060	Termination.
32.070	Extensions.
32.080	Revocation.

32.010 Required findings.

Use permits may be granted by the Planning Commission only when all of the following findings can be made in the affirmative:

- A. All applicable provisions of the Land Use Designations and Land Development Regulations are complied with, and the site of the proposed use is adequate in size and shape to accommodate the use and to accommodate all yards, walls and fences, parking, loading, landscaping and other required features.
- B. The site for the proposed use relates to streets and highways adequate in width and type to carry the quantity and kind of traffic generated by the proposed use.
- C. The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located.
- D. The proposed use is consistent with the map and text of this General Plan and any applicable area plan.

32.020 Application.

Application for a use permit shall be made to the Planning Department, or the Energy Management Department for energy related use permits, and shall be accompanied by the general application form, environmental documents, plans and elevations necessary to show details of the proposed use and/or structures and shall be accompanied by a fee, no part of which shall be returnable to the applicant. Fees shall not be required for public buildings and uses (see definition 02.940). If a pre-application conference has been determined to be appropriate; minutes from this conference shall accompany the application (see Site Plan Review).

32.030 Hearing.

A public hearing shall be held after filing of application and after determination by the Director that the information submitted by the applicant is sufficient to consider the matter. After making such determination, the Director shall give notice of the time, place and subject matter at a public hearing at least ten (10) days prior to the date set

therefore, as provided in Chapter 46, Noticing Requirements. Errors in the giving of notice or the failure of any person to receive notice shall not invalidate the proceeding.

Any hearing may be continued by a majority of the members of the Planning Commission present or, in the absence of a quorum, shall be continued by the secretary to a time and place certain, which shall be publicly announced, and no further notice shall be required except as may be required by California Government Code Sections 54955 and 54955.1.

32.040 Action.

Upon the close of the public hearing, the failure of the Commission to grant the use permit shall constitute a denial and disapproval of the use permit, unless action on the matter is continued to a later date. Refer to Chapter 47, Appeals, for specific procedures for appealing a denial. The Commission shall take action within one (1) year or the application shall be deemed approved as per Chapter 4.5, Article 5, commencing with Section 65956 of the Government Code.

The Commission may designate such conditions in connection with the granting of the use permit as it deems necessary to secure compliance with the purpose of the Land Use Designations and Land Development Regulations, including street dedication, street and drainage improvements and such guarantees as it deems appropriate in accordance with protection of the public health, safety, and welfare. Whenever performance of any condition or accomplishment of any development is required by the granting of the use permit and the performance or accomplishment is to occur at or after a specified time, the Commission may require the record owner of the land involved to execute a covenant running with the land, in a form approved by the County Counsel, which shall contain the requirements imposed, and it shall be recorded in the office of the County Recorder. The Director shall issue and record releases from such covenants when they are no longer applicable to a property.

32.050 Notice of Decision.

The Director shall give notice of the decision of the Commission relating to use permits. All such notices shall be mailed to the applicant and engineer and any other persons, so requesting in writing within ten (10) days after the decision is made. The notice shall set forth the procedure for filing appeals.

Use permits shall not be issued until after fifteen (15) days have elapsed from the granting thereof, and if an appeal is filed as provided in Chapter 47, Appeals, such permit shall not be issued until the decision is made by the Board of Supervisors on such appeal.

32.060 Termination.

A use permit shall terminate and all rights granted therein shall lapse, and the property affected thereby shall be subject to all the provisions and regulations applicable to the land use designation in which such property is classified at the time of such abandonment, when any of the following occur:

- A. There is a failure to commence the exercise of such rights, as determined by the Director, within one (1) year from the date of approval thereof. Exercise of rights shall mean substantial construction or physical alteration of property in reliance with the terms of the use permit.

- B. There is a discontinuance for a continuous period of one (1) year, as determined by the Director, of the exercise of the rights granted.
- C. No extension is granted as provided in Section 32.070.

32.070 Extensions.

If there is a failure to exercise the rights of the use permit within one (1) year of the date of approval, the applicant may apply for an extension for an additional one (1) year. Only one extension may be granted. Any request for extension shall be filed at least sixty (60) days prior to the date of expiration and shall be accompanied by the appropriate fee. Upon receipt of the request for extension, the Department shall review the application to determine the extent of review necessary and schedule it for public hearing. Conditions of approval for the use permit may be modified or expanded, including revision of the proposal, if deemed necessary. The Department may also recommend that the Commission deny the request for extension. Exception to this provision is permitted for those use permits approved concurrently with a tentative parcel or tract map; in those cases the approval period(s) shall be the same as for the tentative map.

32.080 Revocation.

The Commission may revoke the rights granted by a use permit and the property affected thereby shall be subject to all of the provisions and regulations of the Land Use Designations and Land Development Regulations applicable as of the effective date of revocation. Such revocation shall include the failure to comply with any condition contained in the use permit or the violation by the owner or tenant of any provision pertaining to the premises for which such use permit was granted. Before the Commission shall consider revocation of any permit, the Commission shall hold a public hearing thereon after giving written notice thereof to the permittee at least ten days in advance of such hearing. The decision of the Commission may be appealed to the Board of Supervisors in accordance with Chapter 47, Appeals, and shall be accompanied by an appropriate filing fee.

CHAPTER 33
PROCESSING-VARIANCE

Sections:

33.010	Required findings.
33.020	Application.
33.030	Hearing.
33.040	Action.
33.050	Notice of decision.
33.060	Termination.
33.070	Extensions.
33.080	Revocation.

33.010 Required findings.

A variance from the provisions of the land use designations or land development regulations shall be granted only when all of the following findings can be made:

- A. Because of special circumstances (other than monetary hardship) applicable to the property, including its size, shape, topography, location or surroundings, the strict application of the provision of the land use designations or land development regulations deprives such property of privileges (not including the privilege of maintaining a nonconforming use or status) enjoyed by other property in the vicinity and in an identical land use designation; and,
- B. The grant of variance will not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and in the land use designation in which the property is situated; and,
- C. The grant of variance will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is situated; and,
- D. The grant of variance will not be in conflict with established map and text of the general and specific plans and policies of the County.

33.020 Application.

Application for a variance shall be made to the Planning Department and shall be accompanied by the general application form, environmental documents, plans and elevations necessary to show details of the proposed use and/or structure; and shall be accompanied by a fee, no part of which shall be returnable to the applicant. Fees shall not be required for public buildings and uses (see Definition 02.940).

33.030 Hearing.

A public hearing shall be held after filing of application and after determination by the Planning Director that the information submitted by the applicant is sufficient to consider the matter. After making such determination, the Director shall give notice of the time, place and subject matter of a public hearing at least ten (10) days prior to the date set therefore, as provided in Chapter 46, Noticing Requirements. Errors in the

giving of notice or the failure of any person to receive notice shall not invalidate the proceeding.

Any hearing may be continued by a majority of the members of the Commission present or, in the absence of a quorum, shall be continued by the secretary to a time and place certain, which shall be publicly announced, and no further notice shall be required except as may be required by California Government Code Section 54955 and 54955.1.

33.040 Action.

The action by the Commission on any application for a variance shall be in the manner prescribed below.

Upon close of the public hearing, the failure of the Commission to grant the variance shall constitute a denial and disapproval for the variance, unless action on the matter is continued to a later date. Refer to Chapter 47, Appeals, for specific procedures for appealing a denial. The Commission shall take action within one (1) year or the application shall be deemed approved as per Chapter 4.5, Article 5, commencing with Section 65956, of the Government Code.

The Commission may designate such conditions in connection with the granting of the variance as it deems necessary to secure compliance with the purpose of the land use designations and the land development regulations, including street dedication, street and drainage improvements and such guarantees as it deems appropriate. Whenever performance of any condition or accomplishment of any development is required by the granting of the variance and the performance or accomplishment is to occur at or after a specified time, the Commission may require the record owner of the land involved to execute a covenant running with the land, in a form approved by the County Counsel, which shall contain the requirements imposed, and it shall be recorded in the office of the County Recorder. The Director shall issue and record releases from such covenants when they are no longer applicable to a property.

33.050 Notice of decision.

The Director shall give notice of the decision of the Commission relating to variances. All such notices shall be mailed to the applicant and engineer and any other persons, so requesting in writing within ten (10) days after the decision is made. The notice shall set forth the procedure for filing appeals.

Variances shall not be issued until after fifteen (15) days have elapsed from the granting thereof, and if an appeal is filed as provided in Chapter 47, Appeals, such variance shall not be issued until the decision is made by the Board of Supervisors on such appeal.

33.060 Termination.

A variance shall terminate and all rights granted therein shall lapse, and the property affected thereby shall be subject to all of the provisions and regulations applicable to the land use designation in which such property is classified at the time of such abandonment, when any of the following occur:

- A. There is a failure to commence the exercise of such rights as determined by the Director within one (1) year from the date of approval thereof. Exercise of rights shall mean substantial construction or physical alteration of property in reliance with the terms of the variance.

- B. There is a discontinuance for a continuous period of one (1) year, as determined by the Director, of the exercise of the rights granted.
- C. No extension is granted as provided in Section 33.070.

33.070 Extensions.

If there is a failure to exercise the rights of the variance within one (1) year of the date of approval, the applicant may apply for an extension for an additional one (1) year. Only one extension may be granted. Any request for extension shall be filed at least sixty (60) days prior to the date of expiration and shall be accompanied by the appropriate fee. Upon receipt of the request for extension, the Department shall review the application to determine the extent of review necessary and schedule it for public hearing. Conditions of approval for the variance may be modified or expanded, including revision of the proposal, if deemed necessary. The Department may also recommend that the Commission deny the request for extension. Exception to this provision is permitted for those variances approved concurrently with a tentative parcel or tract map; in those cases the approval period(s) shall be the same as for the tentative map.

33.080 Revocation.

The Commission may revoke the rights granted by a variance and the property affected thereby shall be subject to all of the provisions and regulations of Land Use Designations and Development Requirements applicable as of the effective date of revocation. Such revocation shall include the failure to comply with any condition contained in the variance or the violation by the owner or tenant of any provision of this general plan pertaining to the premises for which such variance was granted. Before the Commission shall consider revocation of any variance, the Commission shall hold a public hearing thereon after giving written notice thereof to the permittee at least ten days in advance of such hearing. The decision of the Commission may be appealed to the Board of Supervisors in accordance with Section 47, Appeals, and shall be accompanied by the appropriate filing fee.

CHAPTER 34

PROCESSING–NONCONFORMING USES

Sections:

- | | |
|---------------|---|
| 34.010 | General provisions. |
| 34.020 | Alterations to nonconforming uses, buildings and structures. |
| 34.030 | Mergers. |

34.010 General provisions.

The lawful uses of land, buildings or structures existing on the effective date of the adoption of this general plan to the subject property, although such use does not conform to the land development regulations, may be continued except as provided in this chapter.

The regulations of this chapter are intended to set standards that will not inhibit the continued and/or expanded or altered use of such properties, provided that the general intent of the provisions of the land use designations and land development standards are met and that wherever practical, deficiencies are mitigated.

34.020 Alterations to nonconforming uses, buildings and structures.

The following criteria shall be considered by the Director during the review of any application to expand/alter a nonconforming use. Any alteration required by governmental or court action shall be exempt from these conditions and restrictions, and conditions affecting a nonconforming use shall apply to the existing use, land and structures and shall not be affected by ownership change.

1. Alterations of the nonconforming use shall not be detrimental to or prevent the attainment of objectives, policies, general land use and programs specified in this General Plan.
2. The granting of permission to alter the nonconforming use shall not be substantially detrimental to the public health, safety or welfare or injurious to the property or improvements in the vicinity and district in which the use is located.
3. The alteration shall not change the primary use of the land or increase the intensity of that use.
4. If the proposed alteration could generate public controversy, the Director shall refer the application to the Planning Commission for their consideration.

A. Nonconforming Use of Land.

1. **Expansion.** The use may not be enlarged, increased or extended to occupy a greater area of land than that occupied by such use at the time of application of the land use designations and development standards to the subject property unless it is carried out in conformance with the terms of the Director's review as set forth in Chapter 31, Director Review Processing. Such expansion or alteration shall not prolong the normal life of the nonconforming use.

- 2. Discontinued Use.** If the nonconforming use of the land is discontinued for a period of six months (180) days or more, any subsequent use of the building is to conform to the requirements of the land use regulations and development standards.

B. Nonconforming Uses of Buildings.

- 1. Extension of Use.** The use may be extended throughout the building provided that structural alterations are of a minor nature and are necessary to improve or maintain the health or safety of occupants or are required by law or ordinance.
- 2. Discontinued Use.** If the nonconforming use of the building is discontinued for a period of six months (180 days) or more, any subsequent use of the building is to conform to the requirements of this general plan.

C. Nonconforming Structures

Any structure which does not conform to yard, height, parking or lot coverage requirements of the land use designations may continue to be used as a lawful nonconforming use provided:

- 1. Alterations & Expansions.** This structure may not be altered or expanded except for minor alterations necessary to improve or maintain the health and/or safety of the occupants or if required by law or ordinances unless the expansion will not unduly increase any aspects of nonconformity and is carried out in accordance with the Director's Review Process set forth in Chapter 31.
- 2. Destroyed Structures.** If the nonconforming structure is damaged or destroyed to 50% or more of its value for whatever reason (fire, explosion, act of God), the building and land shall then be subject to all requirements of this general plan.

D. Nonconforming Use - Animals

- 1. Expansion & Replacement - Domestic.** The number of nonconforming domestic animals may not be increased above the number existing on the effective date of application of the land use designation to the subject property. Deceased or relocated nonconforming animals may not be replaced except in conformance with the land use designations and land development regulations.
- 2. Public Nuisance.** Regardless of any other provision of this general plan, the keeping of any nonconforming animals may be declared a public nuisance by the Board of Supervisors upon recommendation of the Planning Department and/or Health Department and abated in accordance with Chapter 7.20, the Health and Welfare Title, Mono County Code, where the use is found to be dangerous or prevents the full use and enjoyment of neighboring properties.

34.030 Mergers.

- A. Two or more contiguous lots, parcels or units of land which were originally created under the provisions of the Subdivision Map Act or prior law regulating division of land or County ordinance enacted pursuant thereto shall not, except as provided below, be deemed merged by virtue of the fact that such contiguous lots, parcels or units of land are held by the same owner, and no further proceedings shall be required for the purpose of sale, lease or financing of such lots, parcels or units of land.

- B. If any one of the contiguous parcels or units of land held by the same owner does not conform to standards for minimum parcel size, under County land use designations, subdivision or other applicable ordinance, the lots shall be merged if all of the following requirements are satisfied:
1. At least one of the affected parcels is undeveloped by any structure for which a building permit was issued or for which a building permit was not required at the time of construction, or is developed only with an accessory structure or accessory structures, or is developed with a single structure, other than an accessory structure, that is also partially sited on a contiguous parcel or unit.
 2. With respect to any affected parcel, one or more of the following conditions exists:
 - a. Comprises less than 5,000 square feet in area at the time of the determination of merger.
 - b. Was not created in compliance with applicable laws and ordinances in effect at the time of its creation.
 - c. Does not meet current standards for sewage disposal and domestic water supply.
 - d. Does not meet slope stability standards.
 - e. Has no legal access which is adequate for vehicular and safety equipment access and maneuverability.
 - f. Its development would create health or safety hazards.
 - g. Is inconsistent with the applicable general plan and any applicable specific plan, other than minimum lot size or density standards.
- C. Whenever real property is to be merged pursuant to this section, the following procedure shall be used:
1. Prior to recording a Notice of Merger, the Commission shall cause to be mailed by certified mail to the then current record owner of the property a Notice of Intention to determine status, notifying the owner that the affected parcels may be merged pursuant to standards specified in Section B, and advising the owner of the opportunity to request a hearing on determination of status and to present evidence at the hearing that the property does not meet the criteria for merger. The Notice of Intention to determine status shall be filed with the County Recorder on the date that notice is mailed to the property owner.
 2. At any time within 30 days after recording of the Notice of Intention to determine status, the owner of the affected property may file with the Planning Department a request for hearing on determination of status.
 3. Upon receiving a request for a hearing on determination of status, the Planning Department shall fix a time, date, and place for a hearing to be conducted and shall so notify the property owner by certified mail. The

hearing shall be conducted not less than thirty (30) days following the Planning Department's receipt of the property owner's request therefore, but may be postponed or continued with the mutual consent of the Planning Commission and the property owner.

4. At the hearing, the property owner shall be given the opportunity to present any evidence that the affected property does not meet the standards for merger specified in Section B.

At the conclusion of the hearing, the Planning Commission shall make a determination that the affected parcels are to be merged or are not to be merged and shall so notify the owner of its determination. A Determination of Merger shall be recorded within thirty (30) days after conclusion of the hearing.

5. If, within the thirty (30) day period specified in Section C-2, the owner does not file a "Request for a Hearing" in accordance with Section C-4, the Commission may, at any time thereafter, make a determination that the affected parcels are to be merged or are not to be merged. A Determination of Merger shall be recorded no later than ninety (90) days following the mailing of notice required by Section C-3.
 6. If in accordance with Section C-4 or C-5, the Commission determines that the subject property shall not be merged, it shall cause to be recorded with the County Clerk Recorder a "Release of the Notice of Intention" to determine status, and shall mail a clearance letter to the then current owner of record.
- D. If the substandard, contiguous lots under common ownership may be merged in more than one way and comply with County General Plan, subdivision and other applicable ordinances, mergers by lot combination shall conform to any configuration which the property owner(s) may request if, and only if, the following requirements can be satisfied:
1. The proposed mergers by lot combinations must be effected by utilization of existing lot lines;
 2. The parcels so created must meet all prescribed minimum standards under applicable land use designation requirements, including but not limited to lot area, lot width and access;
 3. Mergers of such contiguous, substandard lots under common ownership by lot combination may not result in the creation of more than four parcels; and
 4. The property owner shall submit a map specifically delineating the proposed mergers by lot combination on or before fifteen (15) days prior to the noticed hearing before the Commission on the intention to record the Notice of Merger.
- E. If the proposed mergers by lot combination do not meet each and every requirement as specified in subdivision D above, then each of such contiguous, substandard lots under common ownership shall be merged into one parcel which shall not thereafter be subdivided for the purpose of sale, lease or finance except by parcel or subdivision map pursuant to the Subdivision Map Act and the provisions of the Mono County Code enacted pursuant thereto.

- F. For purposes of determining whether contiguous parcels are held by the same owner, ownership shall be determined as of the date that a "Notice of Intention" to record notice of merger is recorded.

Upon recording of the "Notice of Intention" to record notice of merger, no transfer of any interest in the notice lots, parcels or units of land may occur unless and until the Commission has held the noticed hearing and has rendered its decision.

- G. A merger of parcels becomes effective when the County Recorder causes to be filed for record with the County Clerk, a "Notice of Merger" specifying the names of the record owners and particularly describing the real property. The merged parcel shall not thereafter be subdivided for the purpose of sale, lease or financing except pursuant to the provisions of the Subdivision Map Act and the provisions of this chapter enacted pursuant thereto.
- H. Individual lots, parcels or units of land which are nonconforming, and which are under separate ownership that would preclude merger here under shall be permitted all uses in the district in which same are located; provided, that height, yards, distance between buildings, lot coverage, off-street parking, and other property development requirements shall be applicable.
- I. The provisions of this section are applicable to property designated in the Mono County General Plan for exclusive residential use, including all property designated as follows:
1. Rural Residential (RR);
 2. Estate Residential (ER);
 3. Rural Mobile Home (RMH);
 4. Single-Family Residential (SFR);
 5. Multiple-Family Residential (MFR);
 6. Such other land use designations which may be created to allow exclusive residential use.
- J. This subdivision shall not apply if one of the following conditions exists:
1. On or before July 1, 1981, one or more of the contiguous parcels or units of land is enforceably restricted open-space land pursuant to a contract, agreement, scenic restriction, or open-space easement, as defined and set forth in Section 421 of the Revenue and Taxation Code.
 2. On July 1, 1981, one or more of the contiguous parcels or units of land is timberland as defined in subdivision (f) of Section 51100, or is land devoted to an agricultural use as defined in subdivision (b) of Section 51201.
 3. On July 1, 1981, one or more of the contiguous parcels or units of land is located within 2,000 feet of the site on which an existing commercial mineral resource extraction use is being made, whether or not the extraction is being made pursuant to a use permit issued by the local agency.
 4. On July 1, 1981, one or more of the contiguous parcels or units of land is located within 2,000 feet of a future commercial mineral extraction site as shown on a plan for which a use permit or other permit authorizing commercial mineral resource extraction has been issued by the local agency.

LAND USE ELEMENT

For purposes of paragraphs (3) and (4) of this subdivision, "mineral resource extraction" means gas, oil, hydrocarbon, gravel, or sand extraction, geothermal wells, or other similar commercial mining.

CHAPTER 35

PROCESSING–RECLAMATION PLANS

Sections:

35.010	Purpose and Intent.
35.020	Definitions.
35.030	Reclamation Plan Requirements.
35.040	Amendments.
35.050	Reclamation Standards.
35.060	Vested Surface Mining Operations.
35.070	Idle Mine Status.
35.080	Annual Inspections.
35.090	Administration.
35.100	Surety Required.
35.110	Enforcement.

35.010 Purpose and Intent.

It is the purpose of this chapter to provide standards and procedures for reclamation of resource development activities in Mono County. Specifically, it is the purpose of this chapter to implement the policies of this General Plan pertaining to reclamation of energy-related projects, mining projects, and other resource development activities and to fulfill the legislative mandate contained in the Surface Mining and Reclamation Act (SMARA) and the corresponding sections of the California Code of Regulations. It is the intent of the Board of Supervisors to provide for the reclamation of disturbed lands, and to eliminate hazards to public health, safety, and welfare.

35.020 Definitions.

Definitions and applicable provisions contained in SMARA and in the corresponding sections of the California Code of Regulations are incorporated herein by reference. The following definitions are also applicable to the provisions of this chapter:

"Abandoned or Abandonment" means the cessation of resource development activities prior to completion of required reclamation or to cease resource development activities whether or not actual reclamation has commenced, or both. Mere non-use shall not in and of itself constitute abandonment; provided, however, non-use for more than twelve (12) consecutive months without filing an interim management plan shall create a rebuttable presumption of intent to abandon. Regarding geothermal well abandonment, it is the discontinued, non-operative condition of a well as determined and defined by the California Division of Oil and Gas on non-federal lands and by the Bureau of Land Management on federal lands.

"Expansion of resource development activities" means any substantial increase in the size or scope of a resource development activity. Expansion includes, without limitation, any resource development activities beyond the boundaries defined in an approved reclamation plan.

LAND USE ELEMENT

"Idle" means to curtail for a period of one year or more, surface mining operations by more than 90 percent of the operation's previous maximum annual mineral production, with the written intent to resume those surface mining operations at a future date.

"Mined lands" means the surface, subsurface, and groundwater of an area in which resource development activities will be, are being, or have been conducted, including those private ways and roads appurtenant to any such area, land excavations, workings, mining waste, and areas in which structures, facilities, equipment, machines, tools, or other materials or property which result from, or are used in, resource development activities are situated.

"Minerals" means any naturally occurring chemical element or compound, or groups of elements and compounds, formed from inorganic processes and organic substances, including, but not limited to, coal, peat, and bituminous rock, but excluding geothermal resources, natural gas, and petroleum.

"Operator" means any person who is engaged in resource development activities himself, or who contracts with others to conduct operations on his behalf, except a person who is engaged in surface resource development activities as an employee, with wages as his sole compensation.

"Reclamation" means the combined processes of land treatment that minimize water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from resource development activities, including surface effects incidental to underground mines, so that disturbed lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and creates no danger to public health and safety. The process may extend to affected lands surrounding disturbed lands, and may require grading, resoiling, revegetation, soil compaction, stabilization, or other measures.

"Reclamation Plan" means the plan approved by the County for reclaiming the lands disturbed by resource development or exploration activities.

"Resource Development Activities" means projects which propose to utilize or develop natural resources. Resource development activities include, but are not limited to, the following: (a) geothermal exploration and development projects; (b) surface mining operations; (c) hydroelectric, wind or solar power facilities; (d) oil and gas exploration and development projects; and (e) timber production.

"SMARA" means the Surface Mining and Reclamation Act of 1975 as amended (Section 2710 et seq. of the Public Resources Code) and the corresponding sections of the California Code of Regulations, Title 14.

"State Geologist" means the individual holding that office created by Sec. 667, Article 3, Chapter 2 of Division 1 of the Public Resources Code, or his designate.

"Surface Mining Operations": All, or any part of, the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incidental to an underground mine. Surface operations shall include, but are not limited to:

1. In place distillation or retorting or leaching.
2. The production and disposal of mining waste.
3. Prospecting and exploratory activities.

In addition, borrow pitting, stream bed skimming, segregation and stockpiling of mined materials (and recovery of same) are also deemed to be surface mining operations unless specifically excluded in conformance with other regulatory provisions.

"Vested Surface Mining Operation" means a person shall be deemed to have obtained "vested" rights when sufficient documentation has been submitted to the Planning Director and County Counsel to indicate that prior to January 1, 1976, he or she has, in good faith and in reliance on a permit or other authorization, if a permit or other authorization was required, diligently commenced surface mining operations and incurred substantial liabilities for work and materials therefore. The operator may also be required to submit documentation indicating that no substantial changes have occurred in the operation since January 1, 1976, except for those changes that were in conformance with applicable regulations in effect at the time of the change. Expenses incurred in obtaining the enactment of an ordinance in relation to a particular operation or the issuance of a permit shall not be deemed liabilities for work and materials.

35.030 Reclamation Plan Requirements.

A. Filing:

1. Submittal: Reclamation plans shall be submitted to the Energy Management Department (for energy-related projects) or to the Planning Department, on forms supplied by the applicable department. Reclamation plan submittals must be complete, containing all information required by the applicable department to justify findings for approval or disapproval, and for surface mining operations, all information required in conformance with applicable provisions of SMARA.
2. Acceptance: Reclamation plan submittals shall not be deemed complete or accepted for filing and processing time limits shall not begin to run until the Energy Management or Planning Director or his delegate accepts the submittal as complete.

B. Procedure:

1. Processing: Within thirty (30) days after receipt of a reclamation plan submittal, the Energy Management or Planning Director or his delegate shall review the submittal and shall notify the applicant or his designated representative, in writing, concerning any deficiencies.
 - a. Reclamation plan submittals shall be deemed complete, unless the applicant or his designated representative has been notified in writing that the submittal is incomplete prior to the expiration of the thirty (30) day review period.
 - b. Complete reclamation plan submittals shall be accepted and processed in accordance with applicable provisions of the County Code, CEQA and when applicable SMARA. Acceptance of a reclamation plan submittal by the Energy Management Department or Planning Department shall not constitute an indication of project approval.
2. Simultaneous Processing: In the event that an application for a use permit and a reclamation plan pertaining to the same project are submitted for approval at the same time, review and processing of the reclamation plan

may occur simultaneously with that of the resource use permit application. The issuance of a use permit shall be predicated on the approval of a reclamation plan in conformance with this chapter.

3. Approval: The Planning Commission may approve or conditionally approve a reclamation plan only when all of the following findings can be made:
 - a. That the reclamation plan complies with the provisions of CEQA;
 - b. That the reclamation plan is consistent with the objectives and policies set forth in this General Plan and any applicable area or specific plans
 - c. That appropriate conditions have been imposed to ensure and verify that the site during and after reclamation will not cause a public hazard, nor be detrimental to the public health, safety, or welfare;
 - d. That an approved end use has been identified and that the reclamation of the site shall be finally completed as soon as is feasible, considering the particular circumstances of the site to be reclaimed, and that the plan provides for concurrent reclamation, where appropriate and feasible;
 - e. That the reclamation plan conforms to minimum verifiable performance standards established in this chapter and, in the case of surface mining operations, meets or exceeds the minimum, verifiable statewide reclamation standards adopted by the State Mining and Geology Board, and in the case of geothermal well abandonment, conforms to the requirements and guidelines of the California Division of Oil and Gas on non-federal lands, and the Bureau of Land Management on federal lands;
 - f. That the estimated cost of the reclamation reasonably approximates the probable cost of performing the reclamation work as proposed in the plan and that adequate surety (consistent with applicable provisions of SMARA for surface mining operations) will be posted to ensure completion of the required reclamation; and
 - g. That the person or entity responsible for reclamation plan compliance has a public liability insurance policy in force for the duration of the reclamation which provides for personal injury and property protection in an amount adequate to compensate all persons injured or for property damaged as a result of the proposed reclamation activities.

35.040 Amendments.

- A. Minor Amendments to an Approved Reclamation Plan:
 1. Minor amendment: Minor changes to an approved reclamation plan may be approved by the Energy Management Director or the Planning Director, using the Director Review with Notice process, in accordance with the following provisions.
 2. Processing: Requests for approval of a minor amendment shall be submitted on forms provided by the Energy Management or Planning Department, along with the applicable fees. Within thirty (30) days of receipt of such a request, the applicable Director shall determine whether or not the

application should be considered a minor amendment. The applicable Director shall approve or deny the request and notify the applicant in writing within ten (10) days of his decision. The decision of the Director as to whether or not the request should be approved or denied shall be final, unless an appeal is filed. If it is determined that the request is not a minor amendment, the request may be processed as a major amendment.

3. Requests for a minor amendment may be approved only if the applicable Director is able to make all of the following findings:
 - a. That the proposed change involves only minor changes in dimensions, volumes or timing of the reclamation plan and will not affect the basic character or implementation of the reclamation plan.
 - b. No substantial adverse environmental damage, either on-site or off-site, will result from the proposed change and the proposed change is consistent with adopted environmental determinations.
 - c. That the proposed change will not be detrimental to the public health, safety and welfare and is compatible with the objectives and policies of this General Plan, applicable area or specific plans or approved end land use of the site.

B. Major Amendments to an Approved Reclamation Plan:

1. Major amendment: Major amendments to approved reclamation plans may be approved by the Planning Commission subject to the following provisions.
2. Processing: Applications for proposed amendments shall be submitted on forms provided by the Energy Management or Planning Department and shall include such data as may be required to complete an environmental assessment. Applications shall include the required filing fee, and shall be noticed and scheduled for public hearing before the Planning Commission in the same manner as the original reclamation plan submittal.
3. Amendments may be approved by the Planning Commission only if all of the following findings can be made:
 - a. The proposed amendments are necessary or desirable to assure a more practical recovery of the resource or to avoid multiple future disturbances of surface land or waters.
 - b. No substantial adverse environmental damage, either on-site or off-site, will result from the proposed change and the proposed change is consistent with adopted environmental determinations.
 - c. The security required to be filed by the applicant with the County is adequate or additional security has been filed to guarantee compliance with the revised reclamation plan.
 - d. The reclamation plan, as amended, will continue to meet the requirements of this chapter and will be conducted in conformity with all applicable laws, ordinances, and regulations of all agencies with jurisdiction over the resource development project.

- e. The approval of the amendment will not be detrimental to the public health, safety, or welfare and is compatible with the objectives and policies of this General Plan, applicable area or specific plans or approved end land use of the site.

35.050 Reclamation Standards.

- A. All reclamation plans must conform with all applicable provisions of the following minimum verifiable standards. The standards shall apply to each project to the extent that they are consistent with required mitigation for the project (as identified in the environmental documents for the project), provided that such mitigation is at least as stringent as the standards, and they are consistent with the approved or actual subsequent use or uses of the reclaimed site.
- B. Where an applicant demonstrates to the satisfaction of the County that an exception to the standards specified in this chapter is necessary based upon the approved end use, the Planning Commission may approve a different standard for inclusion in the approved reclamation plan. Where the County allows such an exception, the approved reclamation plan shall specify verifiable, site-specific standards for reclamation.
- C. When substantial amendments are proposed to reclamation plans which were approved prior to January 1, 1992, the standards set forth in this chapter shall be applied by the County in approving or denying the amended reclamation plan.
- D. The standards in this chapter shall not apply to projects:
 - 1. which completed reclamation prior to January 1, 1992, in conformance with an approved reclamation plan; or
 - 2. for which a reclamation plan has been approved prior to January 1, 1992.
- E. The following definitions, in addition to those in Section 35.020 of this chapter, shall govern the interpretation of these standards:
 - 1. "Arid" means landscapes with an average annual precipitation of five inches or less.
 - 2. "Indigenous Plants" means plants occurring naturally in an area, not introduced.
 - 3. "Native Species" means plant species indigenous to California, using pre-European as the historic time reference.
 - 4. "Vegetative Cover" means the vertical projection of the crown or shoot area of a species to the ground surface expressed as a percentage of the reference area (percentage can be greater than 100 percent).
 - 5. "Vegetative Density" means the number of individuals or stems of each species rooted within the given reference area.

6. "Vegetative Species-richness" means the number of different plant species within the given reference area.
7. "Wetlands" means lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of these regulations, wetlands must have one or more of the following attributes: 1) at least periodically, the land supports predominantly hydrophytes; 2) the substrate is predominantly undrained hydric soil; and 3) the substrate is non-soil and is saturated with water or covered by shallow water at some time during the growing season of each year.

F. Performance Standards.

Wildlife Habitat.

Wildlife and wildlife habitat shall be protected in accordance with the following standards:

- a. Rare, threatened or endangered species or species of special concern, as defined by the California Department of Fish and Game, U.S. Forest Service, Bureau of Land Management, or the U.S. Fish and Wildlife Service, and their respective habitat shall be conserved as prescribed by the federal Endangered Species Act of 1973, 16 U.S.C. Section 1531, and the California Endangered Species Act, Fish and Game Code Section 1900, et seq. If avoidance cannot be achieved through the available alternatives, mitigation shall be proposed in accordance with the rules and regulations of the California Department of Fish and Game, U.S. Forest Service, Bureau of Land Management, the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers and other applicable agencies.
- b. Wildlife habitat shall be established on disturbed lands in a condition similar to or better than that which existed before the lands were disturbed, unless the proposed end use precludes its use as wildlife habitat or the approved reclamation plan establishes a different habitat type than that which existed prior to disturbance.
- c. Wetland habitat shall be avoided. Any wetland habitat impacted as a consequence of resource development activities shall be mitigated at a minimum of a one to one ratio for wetland habitat acreage and wetland habitat value.

Backfilling, Regrading, Slope Stability, and Recontouring.

Backfilling, regrading, slope stabilization, and recontouring shall conform with the following standards:

- a. Where backfilling is proposed for urban uses (e.g., roads, building sites, or other improvements sensitive to settlement), the fill material shall be compacted in accordance with the Uniform Building Code, the Mono County Grading Ordinance, or other methods approved by the County as appropriate for the approved end use.
- b. Where backfilling is required for resource conservation purposes (e.g., agriculture, fish and wildlife habitat, and wild land conservation), fill material shall be backfilled to the standards required for the resource conservation use involved.

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- c. Piles or dumps of waste material, such as mining waste, shall be stockpiled in such a manner as to facilitate phased reclamation. They shall be segregated from topsoil and topsoil substitutes or growth media salvaged for use in reclamation.
- d. Final reclaimed fill slopes, including permanent piles or dumps of mine waste rock and overburden, shall not exceed 2:1 (horizontal:vertical), except where site-specific geologic and engineering analyses demonstrate that the proposed final slope will have a minimum slope stability factor of safety that is suitable for the approved end use, and when the proposed final slope can be successfully revegetated.
- e. At closure, all fill slopes, including permanent piles or dumps of mine waste and overburden, shall conform with the surrounding topography and/or approved end use.
- f. Cut slopes, including final high walls and quarry faces, shall have a minimum slope stability factor of safety that is suitable for the proposed end use and that conforms with the surrounding topography and/or approved end use.
- g. Permanent placement of piles or dumps of waste material, such as mining waste and overburden, shall not occur within wetlands unless mitigation accepted by the lead agency has been approved to offset wetland impacts and/or losses.

Revegetation.

Revegetation shall be part of the approved plan, unless it is not consistent with the approved end use.

- a. A vegetative cover suitable for the approved end use and capable of self-regeneration without continued dependence on irrigation, soil amendments or fertilizer shall be established on disturbed lands unless an artificially maintained landscape is consistent with the approved reclamation plan. Vegetative cover-density and species-richness shall be, where appropriate, sufficient to stabilize the surface against effects of long-term erosion and shall be similar to naturally occurring habitats in the surrounding area. The vegetative density, cover and species-richness of naturally occurring habitats shall be documented in baseline studies carried out prior to the initiation of resource development activities.
- b. Test plots conducted simultaneously with resource development activities shall be required to determine the most appropriate planting procedures to be followed to ensure successful implementation of the proposed revegetation plan. The County may waive the requirement to conduct test plots when the success of the proposed revegetation plan can be documented from experience with similar species and conditions or by relying on competent professional advice based on experience with the species to be planted.
- c. Where resource development activities result in compaction of the soil, ripping, disking, or other means shall be used in areas to be revegetated to eliminate compaction and to establish a suitable root zone in preparation for planting.
- d. Prior to closure, all access roads, haul roads, and other traffic routes to be reclaimed shall be stripped of any remaining roadbase materials, prepared in

accordance with Section g below, covered with suitable growth media or topsoil, and revegetated.

- e. Soil analysis shall be required to determine the presence or absence of elements essential for plant growth and to determine those soluble elements that may be toxic to plants, if the soil has been chemically altered or if the growth media consists of other than the native topsoil. If soil analysis suggests that fertility levels or soil constituents are inadequate to successfully implement the revegetation program, fertilizer or other soil amendments may be incorporated into the soil. When native plant materials are used, preference shall be given to slow-release fertilizers, including mineral and organic materials that mimic natural sources, and shall be added in amounts similar to those found in reference soils under natural vegetation of the type being reclaimed.
- f. Temporary access for exploration or other short-term uses on arid lands shall not disrupt the soil surface except where necessary to gain safe access. Barriers shall be installed when necessary to prevent unauthorized vehicular traffic from interfering with the reclamation of temporary access routes.
- g. Indigenous plant species shall be used for revegetation, except when introduced species are necessary to meet the end uses specified in the approved reclamation plan. Areas to be developed for industrial, commercial or residential uses shall be revegetated for the interim period, as necessary, to control erosion. In this circumstance, non-indigenous plant species may be used if they are not noxious weeds and if they are species known not to displace indigenous species in the area.
- h. Planting shall be conducted during the most favorable period of the year for plant establishment.
- i. Soil stabilizing practices shall be used where necessary to control erosion and for successful plant establishment. Irrigation may be used when necessary to establish vegetation.
- j. If irrigation is used, the operator must demonstrate that the vegetation has been self-sustaining without irrigation for up to five (5) years prior to release of the financial assurances by the County, unless an artificially maintained landscape is consistent with the end use.
- k. Weeds, as defined by the Soil Conservation Service, or the County Agricultural Commissioner, or the California Native Plant Society, shall be managed: 1) when they threaten the success of the proposed revegetation; and 2) to prevent spreading to nearby areas; and 3) to eliminate fire hazard.
- l. Protection measures, such as fencing of revegetated areas and/or the placement of cages over individual plants, shall be used in areas where grazing, trampling, herbivory, or other causes threaten the success of the proposed revegetation. Fencing shall be maintained until revegetation efforts are successfully completed and the County authorizes removal.
- m. Success of revegetation shall be judged based upon the effectiveness of the vegetation for the approved end use, and by comparing the quantified measures of vegetative cover, density, and species-richness of the reclaimed lands to similar parameters of naturally occurring vegetation in the area. Either baseline

data or data from nearby reference areas may be used as the standard for comparison. Quantitative standards for success and the location(s) of the reference area(s) shall be set forth in the approved reclamation plan. Comparisons shall be made until performance standards are met provided that, during the last two years, there has been no human intervention, including for example, irrigation, fertilization, or weeding. Standards for success shall be based on expected local recovery rates. Valid sampling techniques for measuring success shall be specified in the approved reclamation plan. Sample sizes must be sufficient to produce at least an 80 percent confidence level.

Drainage, Diversion Structures, Waterways, and Erosion Control.

- a. Reclamation activities shall be conducted to protect on-site and downstream beneficial uses of water in accordance with the Porter-Cologne Water Quality Control Act, Water Code Section 13000 et seq., and the Federal Clean Water Act, 33 U.S.C. Section 1251 et seq.
- b. The quality of water, recharge potential, and storage capacity of groundwater aquifers shall not be diminished, except as allowed in the approved reclamation plan.
- c. Erosion and sedimentation shall be controlled during all phases of construction, operation, reclamation, and closure of an operation to minimize siltation of lakes and watercourses, as required by the Regional Water Quality Control Board, the State Water Resources Control Board, and the Mono County Grading Ordinance.
- d. Surface runoff and drainage shall be controlled by berms, silt fences, sediment ponds, revegetation, hay bales, or other erosion control measures, to ensure that surrounding land and water resources are protected from erosion, gullyng, sedimentation, and contamination. Erosion control methods shall be designed to handle runoff from not less than the 20 year/1 hour intensity storm event.
- e. Where natural drainages are covered, restricted, rerouted or otherwise impacted, mitigating alternatives shall be proposed and specifically approved in the reclamation plan to assure that runoff shall not cause increased erosion or sedimentation.
- f. When stream diversions are required, they shall be constructed in accordance with:
 1. applicable stream and lake alteration agreements between the operator and the Department of Fish and Game; and
 2. the requirements of the Federal Clean Water Act, Sections 301 (33 U.S.C. Section 1311) and 404 (33 U.S.C. Section 1344) and/or Section 10 of the Rivers and Harbors Act.
- g. When no longer needed to achieve the purpose for which they were authorized, all temporary stream channel diversions shall be removed and the affected land reclaimed.

Prime Agricultural Land Reclamation.

In addition to the standards for topsoil salvage, maintenance, and redistribution, the following standards shall apply to operations on prime agricultural lands where the approved end use is agriculture:

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- a. Resource development activities which will operate on prime agricultural lands, as defined by the U.S. Soil Conservation Service, shall return all disturbed areas to a fertility level as specified in the approved reclamation plan.
- b. When distinct soil horizons are present, topsoil shall be salvaged and segregated by defined A, B, and C soil horizons. Upon reconstruction of the soil, the sequence of horizons shall have the A atop the B, the B atop the C, and the C atop graded overburden.
- c. Reclamation shall be deemed complete when productive capability of the affected land is equivalent to or exceeds, for two consecutive crop years, that of the pre-disturbance condition or similar crop production in the area. Productivity rates, based on reference areas described in the approved reclamation plan, shall be specified in the approved reclamation plan.
- d. Use of fertilizers or other soil amendments shall not cause contamination of surface or groundwater.

Other Agricultural Land.

The following standards shall apply to agricultural lands, other than prime agricultural lands, when the approved end use is agriculture.

- a. In addition to the standards for topsoil salvage, maintenance, and redistribution, non-prime agricultural lands shall be reclaimed so as to be capable of sustaining economically viable production of crops commonly grown in the surrounding areas.

Building, Structure, and Equipment Removal.

- a. All equipment, supplies, and other materials shall be stored in designated areas (as shown in the approved reclamation plan). All waste shall be disposed of in accordance with state and local health and safety ordinances.
- b. All buildings, structures, and equipment shall be dismantled and removed prior to final site closure except those buildings, structures, and equipment approved in the reclamation plan as necessary for the end use.

Stream Protection, Including Surface and Groundwater.

- a. Surface and groundwater shall be protected from siltation and pollutants which may diminish water quality as required by the Federal Clean Water Act, sections 301 et seq. (33 U.S.C. Section 1311), 404 et seq. (33 U.S.C. Section 1344), the Porter-Cologne Act, Section 13000 et seq., the County Grading Ordinance, the Regional Water Quality Control Board or the State Water Resources Control Board.
- b. In-stream surface mining operations shall be conducted in compliance with Section 1603 of the California Fish and Game Code, Section 404 of the Clean Water Act, and Section 10 of the Rivers and Harbors Act.
- c. Surface mining activities in stream or river channels shall be regulated to control channel degradation in order to prevent undermining of bridge supports, exposure of pipelines or other structures buried within the channel, loss of spawning habitat, lowering of groundwater levels, destruction of riparian vegetation, and increased stream bank erosion (exceptions may be specified in

the approved reclamation plan). Changes in channel elevations and bank erosion shall be evaluated annually using records of annual extraction quantities and bench marked annual cross sections and/or sequential aerial photographs to determine appropriate extraction locations and rates.

- d. In accordance with requirements of the Department of Fish and Game, in-stream mining activities shall not cause fish to become entrapped in pools or in off-channel pits, nor shall they restrict spawning or migratory activities.

Topsoil Salvage, Maintenance, and Redistribution.

When the approved reclamation plan calls for revegetation or cultivation of disturbed lands, the following performance standards shall apply to topsoil salvage, maintenance, and redistribution activities:

- a. All salvageable topsoil suitable for revegetation shall be removed as a separate layer from areas to be disturbed. Topsoil and vegetation removal shall not precede development activities by more than one year, unless a longer time period is approved by the County.
- b. Topsoil resources shall be mapped prior to stripping and the location of topsoil stockpiles shall be shown on a map in the reclamation plan. If the amount of topsoil needed to cover all surfaces to be revegetated is not available on-site, other suitable material capable of sustaining vegetation (such as subsoil) shall be removed as a separate layer for use as a suitable growth media. Topsoil and suitable growth media shall be maintained in separate stockpiles. Test plots may be required to determine the suitability of growth media for revegetation purposes.
- c. Soil salvage operations and phases of reclamation shall be carried out in accordance with a schedule that: 1) is set forth in the approved reclamation plan; 2) minimizes the area disturbed; and 3) is designed to achieve maximum revegetation success allowable under the mining plan.
- d. Topsoil and suitable growth media shall be used to phase reclamation as soon as can be accommodated by the operations schedule presented in the approved reclamation plan. Topsoil and suitable growth media that cannot be utilized immediately for reclamation shall be stockpiled in an area where it will not be disturbed until needed for reclamation. Topsoil and suitable growth media stockpiles shall be clearly identified to distinguish them from waste dumps. Topsoil and suitable growth media stockpiles shall be planted with a vegetative cover or shall be protected by other equally effective measures to prevent water and wind erosion and to discourage weeds. Relocation of topsoil or suitable growth media stockpiles for purposes other than reclamation shall require prior written approval from the County.
- e. Topsoil and suitable growth media shall be redistributed in a manner that results in a stable, uniform thickness consistent with the approved end use, site configuration, and drainage patterns.

Tailing and Waste Management.

- a. State Water Resources Control Board mine waste disposal regulations in Article 7 of Chapter 15 of Title 23, California Code of Regulations, shall govern mine waste and tailings, and mine waste disposal units shall be reclaimed in conformance with this article.

- b. Geothermal drilling waste and cuttings shall be disposed of in a manner approved by the Lahontan Regional Water Quality Control Board.

Closure of Surface Openings.

- a. Except those used solely for blasting or those that will be mined through within one year, all drill holes, water wells, and monitoring wells shall be completed or abandoned in accordance with each of the following:
 - 1. Water Code Sections 13700 et seq. and 13800 et seq.;
 - 2. The applicable local ordinance adopted pursuant to Water Code Section 13803;
 - 3. The applicable Department of Water Resources report issued pursuant to Water Code Section 13800; and
 - 4. Subdivisions (1) and (2) of Section 2511 (g) of Chapter 15 of Title 23 regarding discharge of waste to land.
- b. Prior to closure, all portals, shafts, tunnels, or other surface openings to underground workings shall be gated or otherwise protected from public entry in order to eliminate any threat to public safety and to preserve access for wildlife habitat.
- c. All geothermal wells shall be completed or abandoned in accordance with the California Division of Oil and Gas if located on non-federal land or with the Bureau of Land Management if located on federal land.

35.060 Vested Surface Mining Operations.

- A. Reclamation Plan:
 - 1. Reclamation Plan: The reclamation plan required pursuant to this chapter shall apply to "vested" surface mining operations conducted after January 1, 1976.
 - a. Where a person with a "vested" right has continued surface mining operations in the same area subsequent to January 1, 1976, he shall obtain approval of a reclamation plan, in conformance with applicable provisions of this chapter, covering the mined lands disturbed by such subsequent surface mining operations. In those cases where an overlap exists (in the horizontal or vertical sense) between pre and post January 1, 1976, surface mining operations, the reclamation plan shall call for reclamation proportional to that disturbance caused by the surface mining operation after January 1, 1976.

35.070 Idle Mine Status.

- A. Interim management plan:
 - 1. Filing: Unless specified in the use permit, within 90 days of a surface mining operation becoming idle, the operator shall submit to the Planning Department for review and approval, an "interim management plan." The interim management plan shall describe, in detail, measures the operator

will implement to maintain the site in compliance with conditions specified in the use permit and with standards specified in the approved reclamation plan.

2. Term of plan: The interim management plan may remain in effect for a period not to exceed five (5) years, at which time the County shall do one of the following:
 - a. Renew the interim management plan for an additional period not to exceed five (5) years, provided the County finds that the operator has complied fully with the interim management plan; or,
 - b. Require the operator to commence reclamation in accordance with the approved reclamation plan.
3. Financial assurances: Financial assurances required by this chapter shall remain in effect during the period the operation is idle.
4. Interim management plan approval: The receipt of an interim management plan shall be considered and processed as an amendment to the approved reclamation plan in accordance with applicable provisions of this chapter. As specified in SMARA, the review and approval of an interim management plan for a surface mining operation shall not be considered a project under CEQA.
5. The operator of a resource development activity which has been abandoned for a period of more than twelve (12) months shall be subject to revocation of the approved use permit and be required to commence reclamation in accordance with the approved plan.

35.080 Annual Inspections.

A. Inspections:

1. Inspections Required: Resource development activities shall comply with the following inspection and reporting requirements:
 - a. The operator shall file a request for annual inspection with the County Compliance Officer at least once in each calendar year. Requests for annual inspections shall be accompanied by the appropriate filing fee and, for surface mining operations, shall coincide with the dates for annual SMARA inspections. All such requests shall include a written report prepared by a qualified registered professional which identifies to what extent the reclamation at the site conforms or deviates from the approved reclamation plan.
 - b. The Compliance Officer shall inspect or cause to be inspected the site within thirty (30) working days of receipt of the written report, filing fee, and application for inspection. Unless otherwise agreed, failure to inspect within thirty (30) working days shall be deemed acceptance of the report and a finding that the resource development operation is in compliance with the reclamation plan.

35.090 Administration.

A. Appeals:

Appeals of any decision pertaining to reclamation plans may be made in conformance with the provisions of Chapter 19.42 of the land development regulations.

B. Fees:

Fees required in conjunction with the provisions of this chapter shall be established from time to time by the Board of Supervisors.

C. Public Records and Proprietary Information:

Public record: Reclamation plan submittals, interim management plans and other documents submitted in support of this chapter are public records unless it is demonstrated to the satisfaction of the County that the release of such information, or part thereof, would reveal reserves, production, or rates of depletion entitled to protection as proprietary information. The operator shall identify such proprietary information as a separate part of the application, and such proprietary information shall be made available only to persons authorized in writing by the operator to receive such proprietary information, and for surface mining operations to the State Geologist.

D. Successor in Interest:

Whenever any resource development activity or portion of such an operation is sold, assigned, conveyed, ex-changed, or otherwise transferred, whether voluntarily or by operation of law, the original permittee as well as each successor in interest shall be bound by the provisions of any reclamation plan approved pursuant to the provision of this chapter, provided, however, that the original permittee or any successor in interest may be relieved from all liability for completing the reclamation by action of the Board of Supervisors if, after application to the Board, it is determined that the current owner has posted adequate security to ensure completion of all remaining reclamation.

35.100 Surety Requirements.

A. Surety:

1. Surety Required: The operator or person responsible for the reclamation plan submittal shall be required to execute an agreement and to provide adequate and acceptable surety, made payable to the County and (for surface mining operations) the State Geologist, guaranteeing compliance with the approved reclamation plan. This requirement shall be satisfied prior to commencing any on-site resource development activity and liability shall continue until all reclamation work required by the reclamation plan has been concluded and accepted by the County.

2. Continued liability: In addition, the operator or person responsible for final reclamation shall have a continued liability to guarantee the continued viability of the reclamation effort not to exceed five (5) growing seasons following the conclusion and acceptance of reclamation by the County. This liability shall begin anew whenever reclamation efforts fail to meet the reclamation plan performance standards and additional reclamation is required. The minimum security to be retained to guarantee the continued viability of the reclamation effort shall be as follows:

- a. If the security guarantees the cost of all reclamation, ten percent (10%) of the aggregate cost of all reclamation; or

- b. If the security was posted in conformance with a phased reclamation program any other method acceptable to the County that ensures the continued viability of the reclamation effort.
 3. Insurance: The operator shall maintain, to the satisfaction of the County and for the life of the reclamation plan, liability insurance of not less than \$500,000 for one person and \$1,000,000 for all persons and \$2,000,000 for property damage, or other amounts adopted by the Board of Supervisors. This requirement would not preclude the operator from being self-insured.
 4. Form of Surety: The security required in conformance with the provisions of this chapter: shall be made payable to the County and, in the case of surface mining operations, the State Geologist; shall be subject to review and approval by the County; and shall be in the form of one the following:
 - a. Surety Bonds,
 - b. Irrevocable Letters of Credit,
 - c. Trust Funds,
 - d. For surface mining operations, other forms of financial assurance as may be specified by the State Board of Mines and Geology.
 5. Surety Adjustments: The amount of financial assurances required by this chapter may be adjusted annually by the County in consideration of information provided in the annual report. Adjustments shall take into consideration, but not be limited to, new lands disturbed, inflation, prior compliance, and reclamation accomplished in accordance with the approved plan.
 6. Prior surety approvals: If a surface mining operation and/or reclamation plan has received approval of its financial assurances prior to January 1, 1991, from a public/federal agency other than Mono County, the County shall deem those financial assurances adequate for the purposes of this chapter, or shall credit them toward fulfillment of financial assurances required by this chapter.
- B. Release of Surety:
1. Acceptance: The operator shall file a request for final inspection with the County Compliance Officer, accompanied by the appropriate filing fee. No reclamation or phase of reclamation shall be deemed accepted until the work has been inspected and approved and a certificate of acceptance has been executed by the County Compliance Officer and filed with the Board of Supervisors and, for surface mining operations, the State Geologist.
 2. Inspection: Within sixty (60) days after the County Compliance Officer has received a request for final inspection for completion of reclamation, or any phase of reclamation; the County Compliance Officer shall inspect, or cause to be inspected, the subject area. The County Compliance Officer shall then file the certificate of acceptance or shall notify the operator, in writing, of any items that are found to be inconsistent with the approved reclamation plan.
 3. Release of Bond: Thirty (30) days after the County Compliance Officer files the certificate of acceptance with the Board of Supervisors, unless otherwise directed by the Board of Supervisors, the County shall release the surety.

35.110 Enforcement.**A. Enforcement:**

The provisions of this chapter shall be enforced by the Energy Management Department, the County Planning Department, and/or the County Compliance Officer or such other persons as may be designated by the Board of Supervisors. Enforcement of the provisions contained in this chapter shall be in accordance with applicable provisions of the Mono County Code.

B. Right of Entry:

Whenever it becomes necessary to inspect resource development activities as provided in this chapter or to investigate complaints associated with resource development activities or to monitor conditions of approval as may be imposed on resource development activities, reasonable access to the project site shall be afforded by the operator in conformance with Chapter 1.08 of the Mono County Code. Authorized representatives of the County, upon presentation of appropriate credentials, shall have access to the site without advance notice.

CHAPTER 36

PROCESSING-SPECIFIC PLANS

Sections:

36.010	Intent.
36.020	Definitions.
36.030	Contents.
36.040	Environmental review requirements.
36.050	Land projects.
36.060	Amendments.

36.010 Intent.

Specific plans are intended to function as an implementation device for General Plans, and as a standard-setting mechanism for detailed land use, subdivisions, and use permits. Therefore, when it is determined that a Specific Plan is needed, County action on the Specific Plan will precede land use changes, subdivisions, or other related actions affecting the same property. Once adopted, a Specific Plan can be used to expedite other matters.

36.020 Definition.

A "Specific Plan" shall include "all detailed regulations, conditions, programs and proposed legislation" (Gov. Code Section 65451) regarding:

1. The location of and standards for land uses and facilities;
2. The location of and standards for streets, roads, and transportation facilities;
3. Standards for population density and building intensity and provisions for supporting services;
4. Standards for the conservation, development, and use of natural resources;
5. Provisions for implementing the open space element.

A specific plan must be consistent with this general plan, and once adopted, can be used in lieu of other land development regulations, and shall effect the approval of subdivisions and capital facilities.

While the specific plan is normally optional, the Subdivision Map Act requires the adoption of a specific plan prior to approval of a land project which would place a residential subdivision of a 50 or more parcels in a sparsely populated area (see definition of "Land Project," contained in Title 17, Mono County Code).

36.030 Contents.

A specific plan must contain measures to implement all the policies required in the pertinent general plan, and may contain measures to implement policies in optional elements. It must also show existing and proposed land uses by parcel.

A specific plan includes:

1. A written text describing the proposed project, standards for its development, and an analysis of its relationship to each element of the County General Plan and any area general plan adopted for the area;
2. Mapped information clearly showing the pertinent features of the proposed development, as well as, conditions on and around the site affecting the overall design of the project.

36.040 Environmental review.

Adoption or amendment of a specific plan constitutes a project under the California Environmental Quality Act (CEQA) and the State Environmental Impact Report (EIR) guidelines. If the initial study shows that the proposed or amended specific plan could significantly affect the environment, the jurisdiction must prepare an EIR and submit it in draft form for public review. Although the need for an EIR will be determined on a case-by-case basis, EIRs are usually required because of the detailed development patterns and complex potential effects associated with a specific plan or major amendment.

A specific plan and an EIR on a specific plan overlap extensively; they must address many of the same concerns and the process for preparing them is nearly identical. Thus, environmental assessment should be an integral part of preparing or revising a specific plan.

When residential subdivisions and land use designation changes are consistent with the specific plan, permit processing can be speeded up since another EIR is not necessary as long as the specific plan EIR was certified after January 1, 1980 (Gov. Code Section 65453(b)). It will, however, be necessary to complete a supplemental EIR if, after adoption of the Specific Plan:

1. Substantial changes are proposed in the project;
2. Substantial changes occur in the reasons why a project is being undertaken; or,
3. New information on the project becomes available.

36.050 Land projects.

As described under the specific plan definition, land projects require submittal of a specific plan before approval. Because many land projects are located in remote areas lacking public services, they are often speculative ventures. They may only involve one developer and are intended primarily for residential use. Consequently, particular attention shall be paid to the relationship of the land project to the surrounding area and the need for new community facilities.

A specific plan must include (in addition to those listed under 36.030 "Contents"), that land projects close to one another be considered jointly under a single plan so that cumulative effects can be assessed.

36.060 Amendments.

Amendments to a specific plan can be handled through the Director Review process if no change in density results and no change in conditions are necessary. All other amendments shall follow the procedures in Chapter 48, Amendments.

CHAPTER 38

PROCESSING-DEVELOPMENT AGREEMENTS

Sections:

38.010	Intent.
38.020	Forms and fees.
38.030	Qualification as an applicant.
38.040	Review and application.
38.050	Transmittal to Planning Commission.
38.060	Planning Commission report.
38.070	Decision by Board of Supervisors.
38.080	Approval of development agreements.
38.090	Required notice.
38.100	Irregularity of proceedings.
38.110	Amendment and cancellation of agreement by mutual consent.
38.120	Recordation.
38.130	Periodic review.
38.140	Procedure for periodic review.
38.150	Proceedings upon modification or termination.
38.160	Hearing on modification or termination.

38.010 Intent.

The intent of this chapter is to provide both the applicant, as well as affected public entities, with an alternative mechanism to guarantee required public improvements and/or amenities associated with the approval of any project.

38.020 Forms and fees.

There are no separate application forms for development agreements; the application form used for the project requiring the development agreement will be utilized. There will be an additional fee attached to the processing of development agreements. A current fee schedule is available with the application forms. This fee shall reflect the actual cost of processing such agreement.

Each application shall be accompanied by the form of development agreement proposed by the applicant. The Board of Supervisors may adopt by resolution a standard form of development agreement. The applicant may choose to use the standard form and include specific proposals for changes in or additions to the language of the standard form. The proposed agreement shall contain all the elements required by Government Code Sections 65864 through 65869.5.

38.030 Qualification as an applicant.

Only a qualified applicant may file an application to enter into a development agreement. A qualified applicant is a person who has legal or equitable interest in the real property which is the subject of the development agreement. Applicant includes authorized agent. The Planning Director may require an applicant to submit proof of his interest in the real property and of the authority of the agent to act for the

applicant. Before processing the application, the Planning Director shall obtain the opinion of the County Counsel as to the sufficiency of the applicant's interest in the real property to enter into the agreement.

38.040 Review of application.

The Planning Director shall enter on the application the date it is received. He/she shall review the application and may reject it if it is incomplete or inaccurate for processing. If he/she finds that the application is complete, he/she shall accept it for filing. The Director shall review the application and determine the additional requirements necessary to complete the agreement. After receiving the required information, he/she shall prepare a staff report to the Planning Commission with a recommendation and shall state whether or not the agreement proposed or in an amended form would be consistent with this general plan and any applicable specific plan.

38.050 Transmittal to Planning Commission.

The Director shall transmit the application to the Commission for a public hearing when all the necessary reports and recommendations are completed. Notice of the public hearing shall be given as provided in Chapter 46, Noticing Requirements. The application for a development agreement may be considered concurrently with, but not before, other discretionary permits for the project.

38.060 Planning Commission report.

After a public hearing, the Commission shall consider the application and prepare a report and recommendation for the Board of Supervisors. The report and reasons for the recommendation shall include findings on the matters stated in Section 38.070. This report and the reasons for the recommendation shall be forwarded to the Board Clerk who shall set the matter for public hearing before the Board of Supervisors.

38.070 Decision by Board of Supervisors.

- A. After the Board of Supervisors completes the public hearing, it may approve, modify or disapprove the development agreement. It may refer matters not previously considered by the Commission during its hearing back to the Commission for report and recommendation if new information comes to light at the Board hearing.
- B. Board of Supervisors shall not approve the development agreement unless it finds that the agreement contains all of the following:
 1. Is consistent with the objectives, policies, general land uses and programs specified in this general plan and any applicable specific plan;
 2. Is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located;
 3. Is in conformity with public convenience, general welfare and good land use practices;
 4. Will not be detrimental to the health, safety and general welfare;

5. Will not adversely affect the orderly development of property or the preservation of property values;
6. Is consistent with the provisions of Government Code Sections 65864 through 65869.5.

38.080 Approval of development agreements.

If the Board of Supervisors approves the development agreement, it shall adopt an ordinance approving the agreement and directing the Board Chairman to execute the agreement on behalf of the County after the effective date of the ordinance.

38.090 Required notice.

- A. Notice of public hearing required by this chapter shall be given as provided in Chapter 46, Noticing Requirements.
- B. The notice requirements referred to in subsection A is declaratory of existing law (Government Code Sections 65867, 65864, 65864.5 and 65856). If state law prescribes a different notice requirement, notice shall be given in that manner.

38.100 Irregularity of proceedings.

No action, inaction or recommendation regarding the proposed development agreement shall be held void or invalid or be set aside by a court by reason of an error, irregularity, informality, neglect or omission as to any matter pertaining to petition, application, notice, finding, record, hearing, report, recommendation, or any matters of procedure whatever unless after an examination of the entire case, including the evidence, the court is of the opinion that the error complained of was prejudicial and that by reason of the error the complaining party sustained and suffered substantial injury, and that a different result would have been probable if the error had not occurred or existed. There is no presumption that error is prejudicial or that injury was done if error is shown.

38.110 Amendment and cancellation of agreement by mutual consent.

Either party may propose an amendment to or cancellation in whole or in part of the development agreement previously entered into. The amendment or cancellation permitted by this section must be by mutual consent of the parties.

The procedure for proposing and adoption of an amendment to, or cancellation in whole or in part, of the development agreement is the same as the procedure for entering into an agreement in the first instance. However, where the County initiates the proposed amendment to or cancellation in whole or in part of the development agreement, it shall first give notice to the property owner of its intention to initiate such proceedings at least thirty (30) days in advance of public notice of the hearing to consider the amendment or cancellation.

38.120 Recordation.

Within ten (10) days after the County enters into the development agreement, the Board Clerk shall have the agreement recorded with the County Recorder.

If the parties to the agreement or their successors in interest amend or cancel the agreement as provided in Government Code Section 65868, or if the County terminates or modifies the agreement as provided in Government Code Section 65865.1 for failure of the applicant to comply in good faith with the terms or conditions of the agreement, the board clerk shall have notice of such action recorded with the County Recorder.

38.130 Periodic review.

- A. The Director shall review the development agreement every twelve (12) months from the date the agreement is entered into.
- B. The time for review may be shortened either by agreement between the parties, or by initiation in one or more of the following ways:
 - 1. Recommendation of the Director;
 - 2. Resolution of intention by the Commission;
 - 3. Resolution of intention of the Board of Supervisors.
- C. The Director shall begin the review proceeding by giving written notice that he/she intends to undertake a periodic review of the development agreement to the property owner. He/she shall give the notice at least ten (10) days in advance of the time at which the matter will be considered by the Department.

38.140 Procedure for periodic review.

- A. The Director, or the Commission if the matter has been referred, shall conduct a public review hearing at which time the property owner must demonstrate good faith compliance with the terms of the agreement. The burden of proof on this issue is upon the property owner.
- B. The Director shall determine upon the basis of substantial evidence whether or not the property owner has, for the period under review, complied in good faith with the terms and conditions of the agreement.
- C. If the Director finds and determines on the basis of substantial evidence that the property owner has complied in good faith with the terms and conditions of the agreement during the period under review, the review for that period is concluded.
- D. If the Director finds and determines on the basis of substantial evidence that the property owner has not complied in good faith with the terms and conditions of the agreement during the period under review, the Director may initiate proceedings to modify or terminate the agreement.

38.150 Proceedings upon modification or termination.

If, upon a finding under Section 38.140(D), the Director determines to proceed with modification or termination of the agreement, the Director shall give notice to the property owner of his/her intention to do so. The notice shall contain:

- 1. The time and place of the hearing;
- 2. A statement as to whether or not the Director proposes to terminate or to modify the development agreement;

3. Other information which the Director considers necessary to inform the property owner of the nature of the proceeding.

38.160 Hearing on modification or termination.

At the time and place set for the hearing on modification or termination, the property owner shall be given an opportunity to be heard. The Board of Supervisors may refer the matter back to the Planning Commission for further proceedings or for report and recommendation. The Board of Supervisors may impose those conditions it considers necessary to the action it takes to protect the interests of the Department. The decision of the Board of Supervisors is final.

CHAPTER 39

PROCESSING-TIME-SHARE PROJECTS

Sections:

- | | |
|---------------|---|
| 39.010 | Designations in which permitted. |
| 39.020 | Application for time-share project approval. |
| 39.030 | Time-share conditional use permit. |
| 39.040 | Transient occupancy tax applicable. |

39.010 Designations in which permitted.

A time-share project shall be permissible, subject to a use permit, only in such land use designations in which commercial transient rental operations would otherwise be permitted. The land use designations in which time-share projects are permissible are the MFR-H and commercial districts. Time-share projects shall also be permitted in the SP district only if such project is shown or described as a time-share on the original approved specific plan.

39.020 Application for time-share project approval.

The applicant for approval of a proposed time-share project shall submit a completed application for a use permit, in addition to any other applications or forms that may be necessary in the particular case. The applicant shall accompany such application with the following documentation and information:

- A. Identification by name of the time-sharing project and street address where the time-share project is situated, including the legal description;
- B. Any restrictions on the use, occupancy, alteration or alienation of time-share estates or uses, contained in conditions, covenants and restrictions or elsewhere;
- C. Any other matters the time-share developer or the County deems reasonably necessary to consider the project, including the required environmental documents.

39.030 Time-share conditional use permit.

In addition to the use permit requirements set forth in Chapter 32 the following shall apply:

- A. In the event an existing condominium project is proposed to be converted to a whole or partial time-share project, evidence must be submitted showing that at least sixty-six and two-thirds percent (66-2/3%) of the current condominium owners consent to the proposed conversion. Also in such instances, there shall be submitted a verified statement of the number and percentage of owners who have received notification, either personally (proof by signature of the recipient or witness) or by receipted certified U.S. Mail, that application to so convert the project would be submitted to the Commission.

- B. The Commission may impose such conditions as it determines are necessary to protect the public safety, health, peace and welfare. Each conditional use permit shall be issued with a condition attached that no time-share rights or entitlements shall be issued by the Department of Real Estate of the State of California. In determining whether, and under what conditions, to issue any such conditional use permit, the Commission, among other things, may consider:
1. The impact of the time-sharing project on transient or permanent rental stock;
 2. The fiscal impact of the time-sharing project upon the entire range of all services provided to the public upon the County, and reasonable conditions to be imposed by the Commission to mitigate same, including but not limited to the payment of mitigation fees;
 3. The fiscal impact of the time-sharing project upon the various departments of County government in respect to staff time, paperwork and related costs created by the time-sharing project, said County departments to include, but not limited to Assessor, Auditor/Controller, Board of Supervisors, Building, Clerk/Recorder, Planning, Public Works, and Treasurer/Tax Collector. There shall be adopted by the Board of Supervisors by resolution on an annual basis the fee schedule to cover the actual costs to the County in respect to said time-sharing projects;
 4. Nonconformity with current land development regulations and this general plan, and reasonable conditions to eliminate same;
 5. Nonconformity with existing uniform building and fire codes and reasonable conditions to eliminate same;
 6. The sign program proposed for the project;
 7. The landscaping proposed for the project;
 8. Traffic circulation and parking;
 9. The applicant's description of the methods proposed to be employed to guarantee the future adequacy, stability and continuity of a satisfactory level of management and maintenance of the time-share project;
 10. The desirability of requiring an office of the managing agent or agency be located locally or on-site, as appropriate;
 11. Consistency with the design standards duly adopted by any design review district under the authority of Chapter 9;
 12. With respect to time-share projects involving time-share estates, the time-share developer shall designate an agent to accept service on behalf of all time-share owners of legal notices and secured real property tax bills;
 13. Any other factors deemed relevant and any other information which the Commission or the applicant considers necessary or desirable to an appropriate and proper consideration of the application.

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39.040 Transient occupancy tax applicable.

All time-share projects shall be subject to the provisions of the transient occupancy tax as set forth in Chapter 3.28 of the Mono County Code.

CHAPTER 40

PROCESSING-CONVERSION OF EXISTING RESIDENTIAL FACILITIES TO OTHER USES

Sections:

- 40.010 Intent.**
- 40.020 Requirements generally.**
- 40.030 Conversion standards.**

40.010 Intent.

It is the intent of this chapter to protect the dwindling rental housing and mobile-home space supply by regulating the conversions of existing residential facilities and mobile-home park spaces to other uses including the conversion to no use or cessation of use as residential facilities.

40.020 Requirements generally.

No existing residential facilities, or mobile-home spaces in a mobile-home park, shall be converted to any other use, including no use or cessation of existing use, without first having secured a use permit. This use permit shall be required in addition to any other required permits or approvals including tract map approval.

40.030 Conversion standards.

- A. Application for use permit to convert an existing residential facility or mobile-home park to another use shall be accompanied by a conversion impact report setting forth the impacts of the proposed conversion upon (1) displaced residents of the residential facility or mobile-home park to be converted, (2) preservation of affordable housing, and (3) recommendations of measures to mitigate identified impacts. In determining the impact of the conversion on displaced residents, the report shall address the availability of adequate replacement of rental units or spaces in mobile-home parks.
- B. The applicant proposing such change shall make a copy of the report available to each resident of the existing residential facility or mobile-home park at least fifteen (15) days prior to the hearing on the impact report and use permit by the Commission. Any associated tentative and final tract map will require additional noticing as per the Subdivision Map Act.
- C. The Planning Commission may require, as a condition of such change, the applicant to take steps to mitigate any adverse impacts of the conversion on the ability of displaced residents to find adequate housing or space in a mobile-home park.
- D. Failure of the applicant to mitigate any adverse impacts of the conversion on displaced residents shall be deemed grounds for denial; if adequate mitigation measures are undertaken, the application, as far as the conversion is concerned, shall be approved.

CHAPTER 46

PROCEDURES–NOTICING REQUIREMENTS

Sections:

46.010	Cause for notice.
46.020	Notice requirements.
46.030	Notice contents.
46.040	Notice definitions.

46.010 Cause for notice.

Upon receipt of a request for a land use decision which utilizes a public hearing or director review with notice, the Department shall cause notice to be given.

46.020 Notice requirements.

- A. Notice shall be published once in a newspaper of general circulation for the following land use decisions:
 1. Subdivisions (refer to Title 17, Mono County Code, for specific processing requirements).
 2. Land use designation amendments.
 3. General plan amendments.
 4. Amendments to the text of the General Plan, Area Plans, Land Development Regulations, or Specific Plans.
 5. Use permits.
 6. Variances.
- B. Notice shall be given by first class mail to any person who has filed a written request.
- C. Notice shall be given by first class mail or delivery to all surrounding property owners for land use decisions utilizing Public hearing procedures.
- D. Notice shall be given by first class mail or delivery to all contiguous property owners for land use decisions utilizing Planning Director Review with Notice procedures.
- E. An eighth page advertisement in a newspaper of general circulation may be substituted for individual property owner notice whenever the individual notice would require notification of one thousand (1,000) or more property owners. This alternative is often applicable to large general plan or land use redesignations.

F. Notice shall be given to each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project, whose ability to provide those facilities and services may be significantly affected.

G. Notice shall be given in such other manner as is deemed necessary or desirable.

46.030 Notice Contents.

Notice of Public Hearing shall contain the time and place of the hearing, a general description of the request, the location of the site, and any additional information the Director may deem appropriate.

Notice of Director Review shall contain the same information as that for Public Hearing except that the date of the Director decision shall be substituted for time and place of the hearing.

Errors in the giving of notice or of the failure of any person to receive notice shall not invalidate the proceeding.

46.040 Notice Definitions.

- A. "Surrounding property," for the purposes of this general plan, shall be defined as those properties that fall within a 300-foot radius drawn from the nearest limits of the parcel that is subject of the land use application. If a property is located more than three hundred (300) feet from the boundary of the parcel, but will be directly affected by any land use application on the subject parcel, then that property owner should also be noticed. Further, any property owner, regardless of their location or proximity to the parcel subject to a land use application, may receive notice as long as they submit their request in writing to the Planning Department more than ten (10) days in advance of the hearing. Such notice shall be given to those properties at least ten (10) days in advance of the hearing by mail to all persons whose names and addresses appear on the latest adopted tax roll of the County.
- B. "Contiguous property," for the purposes of this general plan, shall be the same as that found in definitions, Chapter 2. Such notice shall be given to these properties at least ten (10) days before the Director decision by mail to all persons whose names and addresses appear on the latest adopted tax roll of the County.

CHAPTER 47

PROCEDURES-APPEALS

Sections:

47.010	General provisions.
47.020	Procedures & fees.
47.030	Public notice of appeal.
47.040	Appeal hearing.
47.050	Action of appeal.
47.060	Withdrawal of appeal.
47.070	Reinitiation of project.
47.080	Finality of appeal.

47.010 General provisions.

Appeals of any action of the Planning Department or Planning Commission shall be made in accordance with this chapter. The taking of any appeal stays proceedings in the matter appealed until a decision is rendered on the appeal.

47.020 Procedures & fees.

Appeals shall be filed in the manner specified below and shall be accompanied by the appropriate filing fee set by the Board of Supervisors:

- A. **Planning Department Determinations.** Appeals of a Planning Department determination or interpretation of the provisions of this general plan, including consistency with the Land Use Element, shall be made by filing a written notice of appeal with the Secretary of the Planning Commission within fifteen (15) calendar days following the Department's action.
- B. **Planning Commission Determinations.** Appeals of any decision of the Planning Commission may be made to the Board of Supervisors by filing a written notice of appeal with the Planning Director within fifteen (15) calendar days following the Commission action. The Director will determine if the notice is timely and if so, will transmit it to the Clerk to the Board of Supervisors to be set for public hearing as specified in Section 47.030.

47.030 Public Notice of appeal.

Within thirty (30) days of the acceptance of a Notice of Appeal, the Planning Director, in the case of appeals of a Planning Department determination, or Clerk to the Board of Supervisors, in the case of a Planning Commission determination, shall set the matter for hearing and shall give notice of the date, time and place of the hearing to the appellant, the applicant, and to any other party who has requested in writing to be so notified. All appeals shall be scheduled for hearing within sixty (60) days of the date of filing the appeal.

47.040 Appeal hearing.

In hearing any such appeal, the appeal body (Planning Commission or Board of Supervisors) may affirm, affirm in part, or reverse the previous determination which is the subject of appeal, provided that an appeal is not to be granted when the relief sought should be granted through a variance or amendment.

The hearing may be continued from time to time by the appeal body.

47.050 Action on appeal.

Within sixty (60) days of the filing of a notice of appeal, the appeal body shall hear the appeal and render its decision on the matter. Unless continued, failure to render a decision on the matter within sixty (60) days shall be deemed to be a denial of the appeal and an affirmation of the decision from which appealed.

47.060 Withdrawal of appeal.

Any person who files an appeal of any decision rendered under any of the procedures included in the chapter may withdraw that appeal in accordance with the following:

- A. All withdrawals shall be in writing and signed by all persons who signed the appeal.
- B. Any appeal may be withdrawn by the appellant prior to the giving of the Notice of Hearing on appeal with the consent of the Director, who shall have the discretion to withhold such consent if he/she is of the opinion that such withdrawal might act to deprive other interested persons of an opportunity to oppose the action appealed from.

Any withdrawal effectively made pursuant to the above rules shall be an abandonment of the appeal and the decision appealed from shall be reinstated as though no appeal had been made.

47.070 Reinitiation of project.

No matter appealed from and denied/disapproved by the Board of Supervisors or Planning Commission may be reconsidered for a period of one (1) year from the date of final action unless such action was specifically stated to be without prejudice.

47.080 Finality of appeal.

The appeal of any decision of the Board of Supervisors, pursuant to the provisions of this chapter, constitutes the administrative appeal and remedy procedure for all land use decisions of the County. The decision of the appeal body, pursuant to 47.050, shall be final for all purposes unless any interested party commences judicial action of the same within ninety (90) days of the date of the notice of decision and the legislative body is served within one hundred and twenty (120) days after the date of decision. Failure to make timely utilization of the administrative remedies of this chapter and the exhaustion of same shall bar further review.

CHAPTER 48

PROCEDURES-AMENDMENTS

- I. General Plan Map/Land Use Designation**
- II. Text Amendments**
 - General Policies,**
 - Land Development Regulations,**
 - Land Use Designations**

Sections:

- I. GENERAL PLAN MAP/LAND USE DESIGNATION AMENDMENTS**
 - 48.010 Initiation.**
 - 48.020 Planning Commission action.**
 - 48.030 Board action.**
 - 48.040 Covenants.**
 - 48.050 Reinitiation.**
- II. TEXT AMENDMENTS-GENERAL PLAN POLICIES, LAND DEVELOPMENT REGULATIONS**
 - 48.060 Initiation.**
 - 48.070 Planning Commission action.**
 - 48.080 Board action.**
 - 48.090 Reinitiation.**

I. GENERAL PLAN MAP/LAND USE DESIGNATION AMENDMENTS

48.010 Initiation.

The provisions of this section, or portion thereof, to the extent that the same may be referred to in any specific procedure, shall govern in the initiation of proceedings. Initiation may be by:

1. The adoption of a resolution of initiation by the Board of Supervisors;
2. The adoption of a resolution of initiation by the Commission;
3. Filing with the Director an application signed by one (1) or more of the record owners of the parcel of property which is the subject of the application or by an agent of the owner, authorized in writing, or by a public utility company or other agency with the powers of eminent domain. In the event that more than one (1) parcel is submitted for district amendment, owners of parcels representing at least sixty percent (60%) of the area involved must sign the application. The names of all record owners of all land involved must be stated. A petition for amendment shall be on a form designated by the Commission, and shall be accompanied by the required application, environmental forms, and fee. In addition, the applicant shall also be assured that the proposed district amendment is consistent with this general plan before his application is deemed accepted.

48.020 Planning Commission action.

Decisions to change the classification of land from one adopted land use designation to another shall be the subject of a public hearing and noticed according to the requirements of Chapter 46, Noticing Requirements. The application shall be heard first before the Commission.

Prior to taking an action to approve or recommend approval of a change in district designation classification, the Commission shall find as follows:

1. The proposed change in land use designation is consistent with the text and maps of this General Plan.
2. The proposed change in land use designation is consistent with the goals and policies contained within any applicable area plan.
3. The site of the proposed change in land use designation is suitable for any of the land uses permitted within that proposed land use designation.
4. The proposed change in land use designation is reasonable and beneficial at this time.
5. The proposed change in land use designation will not have a substantial adverse effect on surrounding properties.

The Commission recommendation shall then be acted upon by the Board, excepting, however, that a recommendation for denial shall terminate any application for a change in land district classification unless it is appealed in accordance with the provisions of Chapter 47, Appeals. Excepting, however, an application for a change in land use designation, when accompanied by a land use application that requires an action by the Board of Supervisors, shall be referred without appeal to the Board of Supervisors.

48.030 Board action.

The Board of Supervisors shall act on the recommendation for the land use redesignation from the Commission at a public hearing noticed according to the requirements of Chapter 46, Noticing Requirements.

The Board may approve, modify or disapprove the recommendation of the Commission. If new information regarding the application is presented at the Board hearing which may have influenced the Commission recommendation, the Board may refer it back to the Commission for report and recommendation before taking action, but the Commission shall not be required to hold a public hearing thereon.

The action of the Board shall be the final administrative action.

48.040 Covenants.

Whenever performance of any condition or accomplishment of any development is required by the grant of a special permit or in connection with the redesignation of property, and the performance or accomplishment is to occur at or after a specified time, the Director may require the record owner of the land involved to execute a covenant running with the land in a form approved by the County Counsel, which shall contain the requirements imposed and it shall be recorded in the office of the County Recorder. The Director may issue releases from such covenants when they are no

longer applicable (snow storage and joint parking agreements are common applications of this provision).

48.050 Reinitiation.

No matter initiated pursuant to Section 48.010C (Initiation), may be reinitiated for a period of one year from the date of final action denying or disapproving such matter, unless such action was specifically stated to be without prejudice.

II. TEXT AMENDMENTS—GENERAL PLAN POLICIES, LAND DEVELOPMENT REGULATIONS

48.060 Initiation.

1. Amendments to the text of the General Plan or the Land Development Regulations may be initiated by:
 - a. The adoption of a resolution of initiation by the Board of Supervisors;
 - b. The adoption of a resolution of initiation by the Commission.
2. General plan text amendments may be initiated by either a) or b) delineated in 1. above except that the processing of amendments to the text of this general plan are limited by state law to four (4) cycles per year, unless the amendment will qualify as an affordable housing project. There is also a one year moratorium on general plan amendments following the adoption of a newly prepared plan.

48.070 Planning Commission action.

Action to change the text of the Land Development Regulations, or the text of any area plan or countywide general plan element, shall be the subject of a public hearing and noticed according to the requirements of Chapter 46.020, Noticing Requirements.

After the hearing, the Commission shall render its decision in the form of a written recommendation to the Board. If it is a land development regulation amendment, the recommendation for approval shall include a finding that the proposed change to the text is consistent with this General Plan as well as any applicable area plans. Prior to making a recommendation to amend an area plan, the Commission shall find that the proposed adoption or amendment is consistent with the countywide general plan.

A land development text amendment which imposes any regulation listed in Government Code Section 65860 (Adoption of Regulations), not theretofore imposed; or removes or modifies any such regulations theretofore imposed, shall be adopted as provided in this section.

48.080 Board action.

The Board of Supervisors shall act on the recommendation for the text amendment from the Commission at a public hearing and noticed according to the requirements of Chapter 46.020, Noticing Requirements.

The Board may approve, modify or disapprove the recommendation of the Commission. If new information regarding the application is presented at the Board hearing which may have influenced the Commission recommendation, the Board may refer it back to

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the Commission for report and recommendation before taking action, but the Commission shall not be required to hold a public hearing thereon.

The action of the Board shall be the final administrative action.

48.090 Reinitiation.

No matter indicated pursuant to Section 48.060(2) can be reinitiated for a period of one (1) year, unless Board action was specifically stated to be without prejudice.

CHAPTER 49

PROCEDURES-ENFORCEMENT

Sections:

- 49.010 Interpretation-Generally.**
- 49.020 Enforcement-Duties.**
- 49.030 Enforcement procedures.**

49.010 Interpretation-Generally.

Except as specifically provided herein, the land use designations and the land development regulations shall not be interpreted to repeal, abrogate, annul or in any way affect any existing provision of law or ordinance, or regulations or permits previously adopted or issued relating to the erection, construction, moving, alteration or the enlargement of any building or improvement. Except that where the Land Use Element of this General Plan imposes greater restrictions than is imposed or required by an existing law, ordinance or regulation; the provisions of this General Plan shall control. Consult Section 04.030 B for "Interpretation of Similar Uses."

The remedies provided for in this chapter shall be in addition to any other remedies or penalties provided in Land Use Element or any other law or ordinance.

49.020 Enforcement-Duties.

- A. Chief Building Inspector: The chief building inspector or his/her authorized representative shall enforce the provisions pertaining to building height and minimum setbacks.
- B. Health Officer: The health officer or his/her authorized representative shall enforce the provisions pertaining to maintenance and use of property, structures and buildings so far as matters of health are concerned on a complaint basis.
- C. Planning Director: The Planning Director or his/her authorized representative shall enforce provisions pertaining to use of land and structures.

49.030 Enforcement procedures.

- A. Any person, company or corporation that causes any use to be established, any structure to be altered, converted, moved or commenced contrary to the provisions of land use designations and the land development regulations shall be notified by the Director of Planning to correct all violations through the issuance of a Notice of Violation.

The notice shall be served upon the owner of the property by registered or certified mail and shall be sent to the persons shown on the latest equalized County tax roll to be the owners of the property.

Such notice shall contain the following information: location of the property, name of the property owner(s), nature of the violation, an order to correct the violation/completion of abatement within thirty (30) days, and a statement that

- if the nuisance is not corrected as specified, the violation will be referred immediately to the District Attorney or Director of Public Works for enforcement proceedings.
- B. If, upon the expiration of the period specified in the Notice of Violation, action to abate the nuisance has not been commenced, or, if it has been commenced, it has not been pursued with due diligence nor completed within the time specified, the Director shall effect enforcement by the following:
1. Transmit a copy of the Notice of Violation to the Office of the District Attorney along with notification that the violation has not been corrected. The District Attorney shall commence the necessary action or proceedings for the abatement, removal and injunction thereof in the manner prescribed by law, in a court which may have jurisdiction to grant such relief that will accomplish such abatement and restraint; or
 2. Transmit the Notice of Violation along with a request to commence nuisance abatement proceedings to the Director of Public Works as permitted in Chapter 7.20 of the Mono County Code.